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A handwritten signature in black ink, appearing to be 'Sah'.

Wien, [01.Sep. 2017]

Acknowledgements

To Ami, Abu, Sundal
and the pagal larkis

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Problem Setting

The thesis aims at examining the dynamic between the urban migrant spatialities, their citizenship status that determines their marginality and the governance mechanisms that create and alter these conditions and identities. Migration has been a social and political phenomenon since the beginning of time (Katz 2017). However, the configuration of the migrants in cities is altering; this change dwells not solely from the capacities and the networks of the migrants but predominantly due to the changing structure of the government and the corresponding policies from these reconfigured structures of the statehood (Katz 2017). These mechanisms and procedures of governance have been built into the spatialities that the migrants have come to occupy in very tacit and informal ways. Notions of citizenship, contestation of labels of refugees and/ or migrants and social standing aggregate to what spaces they occupy within cities. These spatialities are contingent assemblages through which apparatuses of power physically manifest themselves in urban space (Sanyal 2012). Urban governing mechanisms rise to prominence when the migrants resist the policies that place them at the thresholds of marginality. City and state scale governance experience the migrant and its activities in distinct ways which alters the mechanism and intentions behind their (disjunct) policies. This incurs a process that reconfigures the social setting in which citizenships and spatialities are manifested in addition to the contestation between the national and the urban governances. In the process of decentralization, the supranational level bodies regulate sometimes from a distance by the inscription of the international regulations and sometimes by more deliberate interventions when the predicament escalates beyond control (Darling 2016).

The refugee crisis has emerged as a key aspect that is altering the social and political processes rooted in European cities (Varsanyi 2008). However, in Asia refugees have been fleeing into uncharted territories altering the cities that they inhabit yet never really standing on an equal footing in terms of the global refugee crisis. To make this comparison these concepts will be explored in Amsterdam and Islamabad. The thesis begins with the Literature review of the concepts of rescaling, citizenship and spatialities of the migrants. This is used to derive the Research Questions that are then grounded empirically and analyzed to find the correlation between the three concepts.

Literature Review

Introduction

The three main concepts that are discussed in the Literature Review are rescaling, citizenship and spatiality. Sovereignty is deconstructed by using the process of rescaling. Spatiality and citizenship are more constitutive of each other as the places that the migrants inhabit are based on the citizenship labels and subjectivities that they inherit from either the sovereign or created by their own agency. Citizenship is then elaborated by exploring various labels and subjectivities that it comprises of. Spatiality is assessed and explored by seeing it through the lens of the camp and various ways that it manifests itself in social and physical spaces.

Rescaling

The Sovereign

The sovereign is constructed to be the overarching character that maintains the hegemony of power. However, it is more than a singular entity and requires the unpacking of its character. As Roy argues: 'sovereignty; not as a monolithic and singular regime of rule, but rather as a fragmented domain of multiple and competing sovereignties' (AlSayyad & Roy 2006:1). For analysing migration governance, sovereignty is deconstructed by exploring scalar configurations within which political processes are embedded (Brenner 2004). It is through the rescaling processes of statehood and power shifts that new citizenship subjectivities and spatialities are produced as a means of control.

Scalar Configurations and Rescaling

Castells theorizes scales as 'spatial units' with a corresponding administrative system that creates and implements policies upon which the capitalist system is based (Castells 1977: 445). These scales exist in relation to the nested hierarchy within which the state is the inherent scale that historically maintains the hegemony. State centrism derives its thesis from three main assumptions; 'spatial fetishism, methodological territorialism and methodological nationalism' (Brenner, 2004: 38) which defines its role as an inert entity, in which all social, political relations and processes are systematized at the national scale. 'Political power is then maintained by asserting sovereign hegemony and is ascribed as the territorialisation of national power'

(Brenner 2004: 43). A deficit of this argument is that the national scale is presumed to be a single power structure within which decisions are made in unison. The consolidation of power and decision making competencies could comprise of a more contentious process.

In the current regime of economic restructuring the state scale has eroded and been 'hollowed and decentered' to give rise to a remodelled role of its own scale accompanied by subnational and supranational and local level scales; and theorized as the 'reconfiguration of scales' or rescaling (Collinge 1996, Jessop 2002, Brenner 2004). Swyngedouw (1997,1992a) labels it 'Glocalization' where presumed division of scales is being rearticulated that no longer converge on the national scale but vitalise on the redistribution of the hierarchies to give rise to diverse social processes and needs for management in social, political and economic spheres.

Deterritorialization is then seen as a process whereby the Fordist- Keynesian regime is being rearticulated by the major capitalist forces to recalibrate the national state systems of social monetary and labour regulations (Swyngedouw 1992a). It is a process that has the capacity to avert the presumed convergence of accumulation at the national scale (Smith 1995). It has also paved the way for 'reterritorialization' where subnational and supranational levels are being reworked and consolidated within this hierarchy (Brenner 2004). So, rescaling can be defined as the devolution of 'state centrism' to accentuate the role of other scales to facilitate the terrain of state itself becoming more susceptible to the accumulation of capital, commodities and labour.

The concepts discussed of rescaling of statehood are predominantly constructed on the notion of capital; its investment, its fluidity to move, create and destruct. The limitation is that they are seldom applied to humanitarian/ immigration governance and policy making. Thus, the driving force/ end goal behind it is not as explicit. While capital plays an important part in the rescaling process (fund and resource allocation). The consolidation of power and decision making behind the scalar fluxes in the context of migration policies are not unitary; they remain ambivalent and specific to distinct contexts and geographical locations. Rescaling migration policies entails various aspects such as citizenship (this will be discussed in the next section) (Purcell 2003), internalizing bordering policies (Darling 2016), repatriation and deportation

(Varsanyi 2006). The most relevant processes of rescaling are discussed below that are applicable to the study of migration policies in this thesis.

Hollowing out of the state

Gill argues that the state has a structuralist approach; it formulates and executes its policies by maintaining its position disjunct from the society in which the processes of migration are taking place (Gill, 2010). While the state remains the central and the most cardinal scale and the enactor of the policies and border control; it remains encapsulated and entrenched within the hierarchies of the local level (Darling 2016); where the social processes of migration are manifested, as well as supranational levels; where the regulations are entwined within International treaties and conventions that are now beginning to dictate national law (Soysal 2004, Nicol 2004). Whether these two competing scales lead to the 'hollowing of the state' is specific to the potency of the other scales and distinct cases and will be discussed in the empirics.

Urban governance beyond the state

Urban governance is a key development of the rescaling process in which major capacities are devolved to the local level (Brenner 2004, Harvey 1989). In migrations processes the local level is the enactor of the policies and the management regime of the social setting in which the migrant presence is most active. It is the cities that face the presence of the migrants and in certain contexts possess minimal power to either integrate or alienate them from their social, economic, political setting. This role has been accentuated by the decentralisation of the central government; the down scaled capacities have produced a more active role in policy and decision making from cities (Schech 2013). This role could sway either way; the city as a place of protection, e.g. the city of sanctuary (Darling 2010) or be a replication of the exclusionary policies of the state by restricting the movement and entrance of the migrants in the socio-cultural and political sphere (Varsanyi 2008). As explored by Susanne in the case of Australia while immigration is a federal responsibility, the centralised system only provides temporary shelter and care; then the responsibility devolves to the sub state level. This is because the sub state governs welfare, health, shelter, policing etc. that enable the regulated functioning of citizens and now non-citizens (Schech 2013). The 'Illegal Immigration Relief Act' is explored by

Varsanyi in US cities to protect their national borders and disenfranchising migrants by the creation of a 'multi-layered jurisdictional patchwork'. She further argues that devolved welfare policies have a clear connection to the presence and the shelter of the migrants and the rescaling of immigration policies (Varsanyi 2008). Another concern for the substate level regarding the illegal migrants is their policing for public safety (Darling 2016). The rescaling of immigration policies (and discrimination in terms of the division of welfare from the local level) create as greater divide between the citizens and the non-citizens and allots greater autonomy to the local level (Varsanyi 2008).

Devolution of Borders: Spatial mechanism of management

Sovereignty of a state can be measured by the state's ability to maintain its borders and to keep its citizens exclusive within the national container (Schech 2013);

'the power to define membership in the national community begins at the nation's boundary but where exactly does it end?' (Bosniak 2006: 52).

Another avenue where the responsibilities of the state are down scaled to the local levels is the enforcement of the borders. As argued by Linda Bosniak (2006), the ability of the state to distribute welfare is based on the subject's identity as a citizen or an alien extends beyond the parameters of its physical boundaries and the purview of its governance and power and is internalized. Varsanyi argues that 'the border is being both internalized and rescaled' (Varsanyi, 2008: 880) as the local level is increasingly involved in the exclusionary measures of membership towards the migrants. While the state is robust with the capacity to police and restrict the integration of the aliens, its centralized systems lack the approach and the skill to reach the crevices of society where the aliens might embed themselves. This is done by strategic and specific mechanism that can only be deployed at the local level. In the case of the US., Mat Coleman argues that the rescaling of immigration policies is a deliberate tool of the 'statecraft' (Coleman 2007b). The use of local levels of policing and enforcement of immigration laws has appropriated 'newly materializing spaces of immigration geopolitics' beyond the state space (Ibid: 56). These bordering policies are most present in the spatially restrictive measures of the local state which will be empirically grounded in the empirical section.

Supranational intervention to supersede the state

Globalisation has also entailed the proliferation of the human rights conventions and agreements that challenge the restrictive national sovereignty (Schech 2013). National sovereignty being scaled to international levels by means of these conventions has also had a dual outcome; either they have deferred their responsibilities using the mandates as a way out (Nicol, 2004) or used them more productively to delineate a more legitimate and humane system (Cholewinski 2005). It has also led to a 'tension between the protection of international human rights and the protection of state sovereignty' (Sassen 1996:60). The supranational scales do not only manifest themselves as enforcers of legally binding conventions or humanitarian agencies but also as policing agents as supranational level courts where complaints can be lodged against the central government (Gill 2010). Lastly, this intervention is also a means by which supranational level and state level can enter an alliance to form a 'superstate' (Purcell 2003: 569). The best and perhaps the only example of this is the EU, where several nation states and the supranational level have consolidated their efforts for a 'truly supranational state form' (Ibid). It becomes a means by which immigration policy becomes more susceptible to political discussion, involvement, intervention and sometimes even forceful implementation from other scalar levels.

Governance beyond the state: Non-state actors and their mobilizations

With the devolution of capacities to the urban level; urban governance has delved into new networks where the inclusion of private actors, e.g. NGOs that operate locally and supranationally have been brought on board for the implementation of their policies and for advisory purposes (Bloom 2014). It increases the dependency of the local scale on the external actors and has been termed Governance beyond the state (Swngedouw 2006: 61). Legislation and court cases adds another layer of complexity in the governance structure as it is also a means of how policies and conventions are challenged by non-state actors for the purposes of a more inclusive role or for deferral of responsibility (Varsanyi 2006, 2008). The deployment of challenging the state regulations by courts is not only restricted to the courts at the supratnational level; Susanne has explored how sub state courts have intervened in the domain of the state sovereignty to challenge the existing asylum and immigration policies and pushed them for a more humanitarian approach (Schech 2013). However, the court cases may only

entail a semi transference of power or 'contingent devolution' from the state scale while the non-state actors may struggle to implement the policies whilst still functioning under the hegemony of the state as evident in cases explored in the US. by Varsanyi (Varsanyi 2008).

Scalar Tensions

Rescaling and the shift of power by disruption of the assumed top down hierarchy is a contentious process. Seldom, it is hidden under the guise of official political narratives; other instances manifest more obvious tensions and conflicts within the different scales (Brenner 2009). As Park iterates differences in political interests of the national and the local scale lead to a conflict in the scalar hierarchy. It is an internal struggle that sets forth a movement for the different scales to use their inherent 'material, institutional or ideological measures against the other (Ibid: 45). If it is based on a disagreement on policy content it leads to contestation in terms of funding and resource allocation (Shin, Park, Sonn 2015). The national scale may proclaim its authority and hegemony to fulfil its scale specific agenda. In response, depending on the agency of the local or supranational scale counter claims are made; but result in the overall loss of legitimacy and the governing capacity of the state. Other aspects of state governance, its economic capacities of the nation are also affected if the tensions escalate beyond a threshold (Cox 1998). They could also be a direct cause of the downscaling of power to the local level. These scalar tensions have the potential to further catalyses the process of scalar fluxes re-initiating the process of rescaling for the resolution of the crisis (Park 2008). The conflicts can also be fixed by involving intervention from organizations that lie outside the purview of the scales involved, e.g. national, local courts. Also by appropriating associations, e.g. coalitions, PPPs (Cox 1997). In pursuit of rectifying the situation an 'institutional fix and scalar restructuring of the state' (Ibid: 46) could be employed.

Scalar Formations of Migrants

Brenner explains that rescaling is also a strategy employed by the socially relegated beings to assemble and challenge the institutional structures that degrade them to that reality (Brenner 2015). The ambivalence in the afore mentioned processes obstructs the formulation of effective policies leaving the migrant in different shades of legality and illegality. As Nicolls argues, 'Bordering strategies have instead politicized immigration as an issue and opened up

governmental practices to disagreements, resistance, and contentious struggles' (Walter, 2016: 43). Rescaling processes are the direct producers of 'illegality' of the aliens by modifying laws that decide the validity of the existing law (Purcell 2003). The aliens then experience exclusion not just by statecraft, but also through routine interactions with local levels in their state of liminality. However, where there is the presence of power there is also the agency to resist by the subject (Foucault 1978). Their state of ambivalence pushes the migrants to not just devise their own modes of survival, but also to express and protest their state of precarity. This manifest 'specific acts that question and push back on government efforts to enact bordering practices' (Walter 2016: 45).

Citizenship

Citizenship is a construct that is rooted in political societies based on the exchange of obligations and rights inscribed within a territorial container (Isin 1999, Turner 1994, Brown 1994). The territorial container is based on the supposition that the limits of the state and the society are homogenous and fixed within a physical territory (Agnew 1994). The normative territorial unit in which the citizenship is conceived and granted is the national scale.

'The expansion of citizenship from civil rights to political rights and eventually to social rights can also be read as an account of how the modern state consolidated its authority and territory to allocate rights' (Marshall 1994:28).

Marshall's civil, political and social rights comprise of equal entitlement to juridical systems, individual freedom, to participate in political and social activities, as well as to bare standards of living, welfare, state protection, etc. depending on the prerogative of the state. They also create and participate in social structures of public relations based on the membership to the socio-political society. This definition of citizenship is grounded in the context of the emergence of modern citizenship simultaneously with the rise of capitalism in post war England. Marshall predicted that this dual processes would conflict with each other. The discriminatory allotment of statuses and rights of citizenship were congruent with the social inequalities of the capitalist times and were essential for the maintenance of this condition. Populations were divided on their ability to act as autonomous competitors in the market or if they have the

legitimacy of the educational institute, etc. (Marshall 1994). It can be inferred that rights and statuses only bear significance in a territorial container if they are the construction of and are legitimized by the institutional authorization of the state. Citizenship then became a tool through which the state can filter populations into different labels (and the rights that they entail) to be effectively administered and controlled (Ibid).

While Marshall does establish that variants of institutionalized inequalities is founded under the guise of modern citizenship that transpire into distinct labels and discriminatory rights he does not establish a relationship between these different labels, nor how they accumulate under an integrated citizenship. Lastly, there is no relation between the state and the creation of these institutionalized labels.

The following concepts will discuss the ways in which the state uses its ability to disenfranchise subjects from citizenship and reactionary processes from these subjects.

Illegality as the Homo Sacre

Citizenship is pre-given for those that exist within their inherited territorial container (Isin 1999). It is a much more contentious and complex process for aliens when they are labelled illegal by the ruling authority. Agamben argues that all the subjects are constructed as homines sacri (Agamben 1998). They do not have political/ civil rights by birth rather it is something that is granted by the sovereign (citizenship) and can be taken away and reduced to bare life. The sovereign can maneuver the social and political processes to expel the homo sacre if it threatens its political regime. He further argues that sovereign see refugees as an imposter as they interrupt the state order between the person, citizen, nativity, birth and nationality. It seeks to purge the imposter to safeguard the status quo of its regime. It creates the emergence of a state of crisis in which the extermination of the bare life is legitimized: the state of exception (Ibid).

Schmitt claims that the state of exception is created when there is a crisis that endangers the state and calls for a resolution by the suspension of the general system of regulations but the enactment of external juridical law. The state of exception is an 'inclusive' exception (Minca 2007). What is excluded is not excluded in absoluteness but is

included by the removal of the normal order by the rule of the sovereign. This duality is pertinent to understand the modern political power. The states of inclusion and exclusion cease to exist as two separate identities. The current state is termed 'abandonment' as the homo sacre is subjected to both inclusion and exclusion in terms of *life and law*. The threshold of where the two states exist become intertwined beyond separation 'of inside and outside become blurred rather than exclude each other' (Ek 2006). In terms of citizenship the homo sacre is excluded by not being given a citizenship yet included by still remaining under the constraints of the law that regulate non-citizenship status behavior.

Rescaling of Citizenship

Purcell argues that citizenship is being rescaled, reterritorialized and reoriented disjunct from the national scale to subjects claiming their allegiance to socio-political communities at other scales (Purcell 2003). Citizenship is not a static label but something that is constantly changing (in process) by institutional structures, activists and the migrants themselves (Bosniak 2006). Due to economic global restructuring the national container for the consolidation of citizenship is being challenged to the promotion of the city as the centre of political affiliations and associations which are also embedded in transnational and cosmopolitan contexts. These translate into distinct forms of citizenships that are not constrained by national territorial limits but their conception is incumbent on being rooted in the urban (Varsanyi 2006, Isin 2000, Sassen 1996, Purcell 2003). Restructuring of the socio-political structure of global cities have also produced claims for global/ transnationalist citizenship (Sassen 1998).

However, to be a legal citizen of other scales you need to be entitled to some form of national citizenship. It needs to be linked back to the institutes that sanction formal citizenship, i.e. the modern nation state; as only the state can warrant the escape from marginality (Urry 2000). It also infers that the struggle for urban citizenship is different for those that have been deemed legal or illegal by the sovereign.

Isin and Saward define 'acts of citizenship' as 'moments in which a subject asserts a right or entitlement to a liveable life when no such prior authorization exists' (Isin 2013: 37). Citizenship is no longer associated with the rights that the state allocates but based on the

actions and practices of the individuals in the city and their current locus of existence (Wilopo 2017). This struggle itself constitutes as a political act of exerting and using one's citizenship that is a product of processes and practices of engagement as opposed to legal structures (Isin 2000). Bauman sees urban space as a battleground for different forms of citizenship in which the state and its authority to categorize based on citizenship have become a dominant force in modernity (Isin 1999) and thus it is also where it is being contested (Marshall 1994). The illegal (non-citizens) exists in its state of precarity; cities are potential spaces where the Homo sacre overcomes the space of exception imposed by the sovereign and resist their status of illegality (Wilopo 2017). Self-acclaimed urban citizenship does not warrant full rights; rather it marginalizes them further as they simultaneously occupy the (newly appropriated) city with the citizens that possess urban as well as the nation state citizenship; reinforcing other subjectivities within the status of being illegal. They are also more vulnerable to the exclusionary policies of the sovereign as they are more visible due to their resistance (Varsanyi 2008). This enables us to truly perceive the multiplicity of the citizenship and its possibilities.

Referring back to Marshall's argument on various citizenship labels derived from social inequalities and the allotment of discriminatory rights based on them, the same argument can be made that there are variants of citizenships that are produced (legally and subjectively) as a result of the rescaling of migration policies. These can be put on an axis based on the allocation of rights granted by the sovereign to establish a relationship between them. The continuum of the axis hypothesizes that the more legal (as determined by the laws of the sovereign) you are, the more rights you are allocated. The relationship with the sovereign is established by its capacity to allocate the set of rights. This range allows us to group the variate citizenships that will be grounded in the empirics of the two case studies.

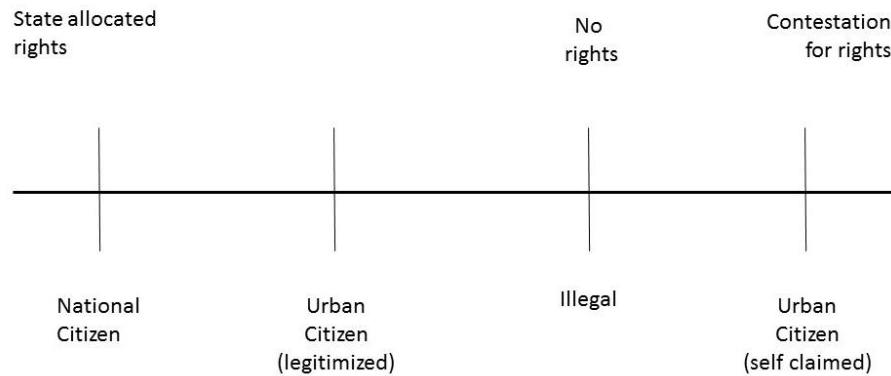


Figure 1: Range of Citizenship Subjectivities
Source: Authors own illustration

Spatiality

The spatialities that the illegal beings come to occupy in cities embodies complex processes between those that inhabit them and those that control them. Katz argues for their dual purpose; as a mechanism to assert authority, control land/ properties and populations and for the camp dwellers to contest for political endeavours (Katz 2017). While the composition, purpose, temporality, inhabitants may differ they are almost always symptomatic of the policies and intent of the government for the ‘management of specific populations in temporary conditions outside the normal legal order’ (Katz 2017: 55). Their temporality is manifested in two spheres; the external formal juridical- political order of states, international agencies and international law and the internal cultural, social and political order of the camp society. They are sites in perpetual anticipation of solutions to transpire down from various scales of governance (Sanbar 2001).

Migrant spatialities are also resilient living spaces appropriated by migrants, refugees, asylum seekers in mobility in search of a home that is static. On their trajectory, the camps manifest themselves symptomatic of an obstruction in their physical and social mobility (Katz 2016). While in most literature this obstruction is construed to occur while traversing international borders; these restrictions also occur internally within state boundaries; when trying to access rights to citizenship, housing, medical care or just the right to live as citizens within those state borders. The borders have devolved and internalized (Darling 2016). When the spatiality is under the reins of the state authorities they are kept at distance from

urban areas (Fabos & Kibreab 2005). It is part of the city yet never really integrated within it, a space of a distinct form of sovereignty that includes it by its very exclusion- existing in a distinct spatial temporal dimension (Sanyal 2014). To understand the socio spatial characteristics the spatiality of camps will be discussed with reference to spaces of exception; the camp and spaces of agency.

Spatializing the state of exception- The Camp

The state of exception needs territorial grounding for the order to take place (Minca 2006). This executory capacity of the sovereign is best expressed when perceived in spatial measures; it ascribes materiality and meaning (Agamben 1998). The camp comes into existence when the state of exception becomes the norm and gains a permanent spatial form. Homo sacre have to be segregated from the citizens and contained in the state of exception where the biological body needs to be purified (Ibid). The camp then emerges as the physical place where the permanent state of exception is manifested and becomes the permanent norm. It is a technique of regulation ideal for the creation and management of the bare life (Minca 2006).

As explained by Gregory the outside and the inside of the camp are not inscribed to eradicate the external rather to create 'the serial spacing of the exception for ever inscribing exclusion through the inclusion' (2004a: 258). In order for a place to be a space of exception it needs to be created by emergence of a crisis, a dual suspension and enactment of law by the sovereign: the state of abandonment; where the status of the homo sacre remains ambivalent while living in a space of liminality (Agamben 1998).

Agamben argues that the notion of the camp has been made so mundane in the quotidian space that the creation of naked life now exists beyond the parameters of the camp and into the everyday lives. To the extent where 'the state of exception is now the rule' (Ek 2006: 368). The camp then has dual meanings; the camp for the disenfranchised and camp for the *citizens* (gated communities, elite enclaves). The camp is more than just a cluster of tents; it is the formalized state structures, the squatted buildings. At the heart of the reorganization of physical space of the camp lies the bare life and its struggle for rights,

even if it has been made more human which reinscripts the presence of the great totalitatrian state (Agamben 2008).

The sovereign and the suspension of the law are made out to be monolithic entities/ processes which has been discussed under rescaling. In this process the Homo sacre is reduced to a powerless figure, yet he possess the capacity to use the camp as a place of survival and posses some agency.

Spaces of Insurgence: Urban Citizenship & Residence

‘Spaces of insurgence’ are places where the notions of marginality are replaced by action and resistance (Holston 2009). The concept of the spaces of insurgent citizenship is based on the resistance in Brazil that emerged from citizenship by ownership of illegitimate and conflictual residences, to counter the authorities (Ibid). Katz argues that the socio-political conditions of the state of the homo sacre may create ‘political subjectivities’ that create the space of the camp as a site to demand more rights (Yiftachel 2009). The camp has the potential to be ‘the site from which new urban citizenship emerge that may lay claims to national citizenship’ (Katz, 2015:1). It is here that their spatiality as a political statement is most explicit where they politically engage with the state. These sites also become strategic as they become locations where the refugees interact with the locals. The ‘Politics of presence’ within the urban as a way to assert their right towards mobility and the capacity to integrate (Darling 2016). The camps become ‘catalysts for newcomers’ (Sigona 2015: 9) amassing representation for more systemized claims.

The urban is a perquisite for this form of agency to transpire. It was by claiming the ‘right to space within the city’ that allowed them to aspire for urban citizenship (Sanyal 2013: 566). The right to an adequate shelter becomes the premise for them to claim citizenship in the urban if not the territorial container (Ramadan 2013). Isin uses Rocco’s theory to assert that everyday spaces of the urban can become ‘political spaces in which communities articulate associational rights’ where they find the right environment to grow and claim their right to urban citizenship (Isin 1999:170). However, the city and the migrant have a dialectic relationship; the city is a place that attracts the migrants as it offers the possibility of being visible and making a claim to citizenship; and they reciprocate by creating

new urban realities as ‘spaces of insurgence’ (Ibid :235) imbued with a charged meaning that help foster new citizenships (Varsanyi 2006).

Susanne proposes the ‘citizenship of residence’ is contesting the nation citizenship for an increasingly local integration (Susanne 2013). Varsanyi argues for the claim to ‘grounded’ urban citizenship by the virtue of ‘presence and residence’ in a place as an ‘unbounded model of citizenship’ as it would mitigate the distinction between the citizen and non-citizens and erase the conditions of legal structures (Varsanyi: 2006: 231). Based on the Lefebvrian notion of inhabiting constituting a right to the city; she further asserts that the power to produce urban space should be in the hands of the urban dwellers+ producers (based on residence), that can be warranted by granting them urban citizenship that counters the neoliberal economic powers of disenfranchisement (Varsanyi 2006).

‘Inhabitation replaces national citizenship as the basis for membership, which unhinges the right to the city from the national scale, from the sovereignty of the nation-state, and from the nation as the primary political community’ (Purcell 2003: 578).



Figure2: Axis of Spatiality
Source: Authors own illustration

Purcell reasons that residence displaces the law-making legitimacy from the state to the residents of the urban. It challenges the capitalist production of urban space and the ‘property rights regime’ by political participation rooted in the right to appropriate and inhabit (Ibid: 579).

The scale above develops a relation between the above discussed concepts based on the rights that the migrants have when they live in these spaces. While residence is the most basic

form of urban participation and production; these authors assume that residence is homogenous and equally accessible to all. However, residence is not uniformly distributed; it is contested and allocated by institutionalized structures. Residence discriminates to produce hierarchies and categorize populations based on who lives were also configured within the constraints of legality/illegality. While residence does allot some form of legitimacy the spatiality of their residence is also reflective of the subjectivities of citizenship; whether state allocated or self-appropriated. This calls for an analysis of how citizenship labels and subjectivities relate with spatialities of migrants which will be done by grounding these concepts in the empirical findings and comparing the citizenship with the spatiality of the migrants.

Governance in the Global South

Most of the concepts discussed are focused on theories based out of North American and Western European settings and authors. This section grounds these concepts in the context of the Global South for setting up a comparison between Islamabad and Amsterdam.

Partha Chatterjee examines the nature of democracy and governance in post-colonial India in *The Politics of the Governed* (2004). Chatterjee, identifies two different kinds of social organization in India, which he terms civil society and political society. Civil society concerns itself with modernity and the theoretical western constructs pertaining to state and statehood. Their acquisition of (a higher rank of) citizenship is based on their ability to acquire and own 'property'; by investing in state land and economic endeavors.

Political society comprises of subjects that are included in the state under the guise of equal citizenship but comprise of a poorer class of people living on illegally acquired land, allocated a lower rank of citizenship. Citizenship based on equal allocation of rights could not exist in post-colonial India notions of caste, ethnicity and language were too entrenched in society. Their enfranchisement to citizenship is based on 'developmental policies' of the state that aim at mitigating poverty and informal slums. The two-combined produce the population that is governed by post-colonial governance *'Governmental administration of development and welfare produced a heterogenous social, consisting of multiple population groups to be addressed through multiple and flexible policies. This was in sharp contrast with the conception of*

citizenship in which the insistence on the homogenous national was both fundamental and relentless' (Chatterjee 2004:136).

This distinction existed because the urban poor could not be treated at equal footings with the legal citizens. If their actions of illegally encroaching and inhabiting state/ private land were validated, then the legally acquired 'property' (by the civil society) would be nullified and consequently their citizenship. The space where the political and civil society interacted amongst each other on political grounds did not exist and the state was the mediator between them. Huge proportions of the political society's habitation patterns were based on the breaking the law. Yet, their existence was cardinal to the economic functioning of the city. The state had to find a balance between the legitimization and punishment for the violation of the laws that did not threaten the legitimization of legality and property. To maintain the bond with the civil society the strategy of the state was then changed from tacitly ignoring the violation of law by the urban poor to removing them from the newly conceptualized image of the city. This led to creation of the 'substructure of paralegal arrangements' for the purposes of controlling the spatiality of the urban poor populations (Ibid: 137).

It entailed more than granting temporary favorable policies; it meant careful dissension of benefits and punishments, e.g. giving the slum dwellers sanitation facilities so they do not litter the streets of the city. It is a series of tactical deliberations between the state and the population in the field of the political society that is based on a strategic policy formulation.

This also meant that the urban poor populations had to organize themselves to present a cohesive front that could effectively negotiate with the state. This created another terrain of political leaders and unions that mobilized the urban poor changing the structure of the previous coalitions; from groups of the elite, middle class and the poor to mixed groups being led by political parties and active individuals. In Bombay and Calcutta, the unions that were constructed based on movements led by industrialization were now formed on the premise of fighting for rights of the slum dwellers. The political leaders of these community based coalitions could be either from the community that they represent or from the elite seeking to foster policies that they find favorable. In the latter case the only agency that the urban poor have is what coalition

they betrove their allegiance to by voting; their agency rested in the hands of a top down hierarchical organization.

Similarly, Arjun Agrawal's book *Environmentality*, focuses on the decentralization of governance in the forests of Northern India. He articulates continuities in environmental governance, or what he calls environmentality, across colonial and post-colonial eras. Focusing specifically on the forest councils that emerged in the region starting in the 1920s he makes the case that these were the first attempts at community (non-state) participation in forest governance in India. He argues that while this may suggest that the community was subjected to top down management and control through these councils, in reality this was how many of these councils became active participants in the governance of the forests, and overall environmental management. Building on Foucault's concept of governmentality, the author makes the case of a new regime of power and governance based out of local communities and localities, that forge new connections, economic and political, with the center or metropole. For him, governmentality cannot be defined as oppressive top down state rule. Rather, he suggests that the events of the 1920s in Kumaon facilitated the increased role of local communities and lead to the redefinition of state and periphery relationships.

Research Design

Research Questions

How are the spatialities and citizenship of the migrants produced by the rescaling of migrant governance? How do the migrants make claims to (urban) citizenship based on the spatialities they produce?

Spatialities are understood to be the informal spaces of the migrants as well as the spaces allocated by the state. They characteristically are temporary, excluded from the domain of urban participation and is a tool by which the migrants have been shifted around the city by the governance structures that displace them from their place of habitation (formal and informal) to occupy other informal space. The displacement implies the lack of a permanent state for the migrants that emerge from their state of precarity.

Citizenship is the legitimation granted by the migrant governance to live within/ segregated from specific spatialities

Migrants are the group who are excluded by the state by being denied citizenship

Rescaling of migrant governance is understood as the production of policies and mobilizations that result from governance processes which reconfigure the scalar hierarchies of the migration governing structure.

Sub-Research Questions

Key actors:

- Who are the key actors (and representative scales) within the migration governance structure? What are their mechanisms of managing the migrants?

Process:

- How do these actors manage/ produce the citizenship status of the migrants (at what scale of governance)?

- How do these actors manage/ produce the spatialities of the migrants? What are their characteristics and mechanisms of production that keep the migrants marginalized based on their citizenship status?
- What strategies do the migrants employ to contest these mechanisms? What changes do their resistance incur?

Rescaling:

- What responsibilities and mobilizations are downscaled to the urban and/ or up scaled to the supranational that challenge the position of the state scale? How are decision making capacities negotiated/ distributed amongst them?
- How does rescaling alter/ produce migrant citizenship and spatialities?
- What is the role of the non-state actors in the rescaling processes?

By answering the afore mentioned questions the following hypotheses will be tested:

The state is being hollowed out due to the rescaling of migrant governance and the migrant's claim to urban/ national citizenship which leads to greater marginalization of the migrants

Selection of Case Studies

For me the starting point for the thesis was contextualizing the concepts that I have learnt over the course of 4 cities in urban terrains that I am most familiar with. Islamabad was the most obvious choice as it was also bereft with the social and political processes that are the topic of research.

To setup a transnational comparison in a European setting meant that the spatialities, citizenships and governance structures are being compared in two diametrically distinct settings. Preliminary knowledge and research while searching for a second case study showed that the governance systems (and thus the citizenships granted) are the most disparate. Therefore, the searching criteria was based on the similarity of the setting of rights, agency and habitation patterns of the migrant group. The Netherlands has received much criticism over its strict asylum policy over the years (Pieters 2016), thus the number of undocumented migrants that either refused or are unable to leave exist in a significant amount that inhabit the urban terrain in unregulated ways disenfranchised from basic rights and left to their own devices of survival. This

has led them to engage with the city level by exerting their agency through the spatialities to seek normal lives, resist and protest (citation). The migrant group in both case studies are also very distinct. In Islamabad, the specific group of Afghans are chosen not only because they are the biggest minority by nationality but because they are the migrants that are the architects of informal spaces. The greater part of the overall migrant governance in Pakistan is also based on the Afghans and has a ministry entirely dedicated to their management. In Amsterdam, the focus of the thesis is the migrant group comprising of undocumented migrants as they also adhere to informal practices of habitation and resistance to set forth a governance mechanism of management.

Due to the need to conduct interviews with government representative the ease of the language was also a methodological criterion. The objective of comparing is also to address the political issue of migrant governance in a scientific manner to elucidate not the difference, but more the commonalities of the two very different cases.

The research design is based on the following diagram. The literature review and the research questions help create hypotheses, which will be tested in the empirical findings of the two case studies. Lastly, the empirical findings will be analyzed to deduce a theory on the role of the state, supranational and local scale to create citizenship and spatialities.

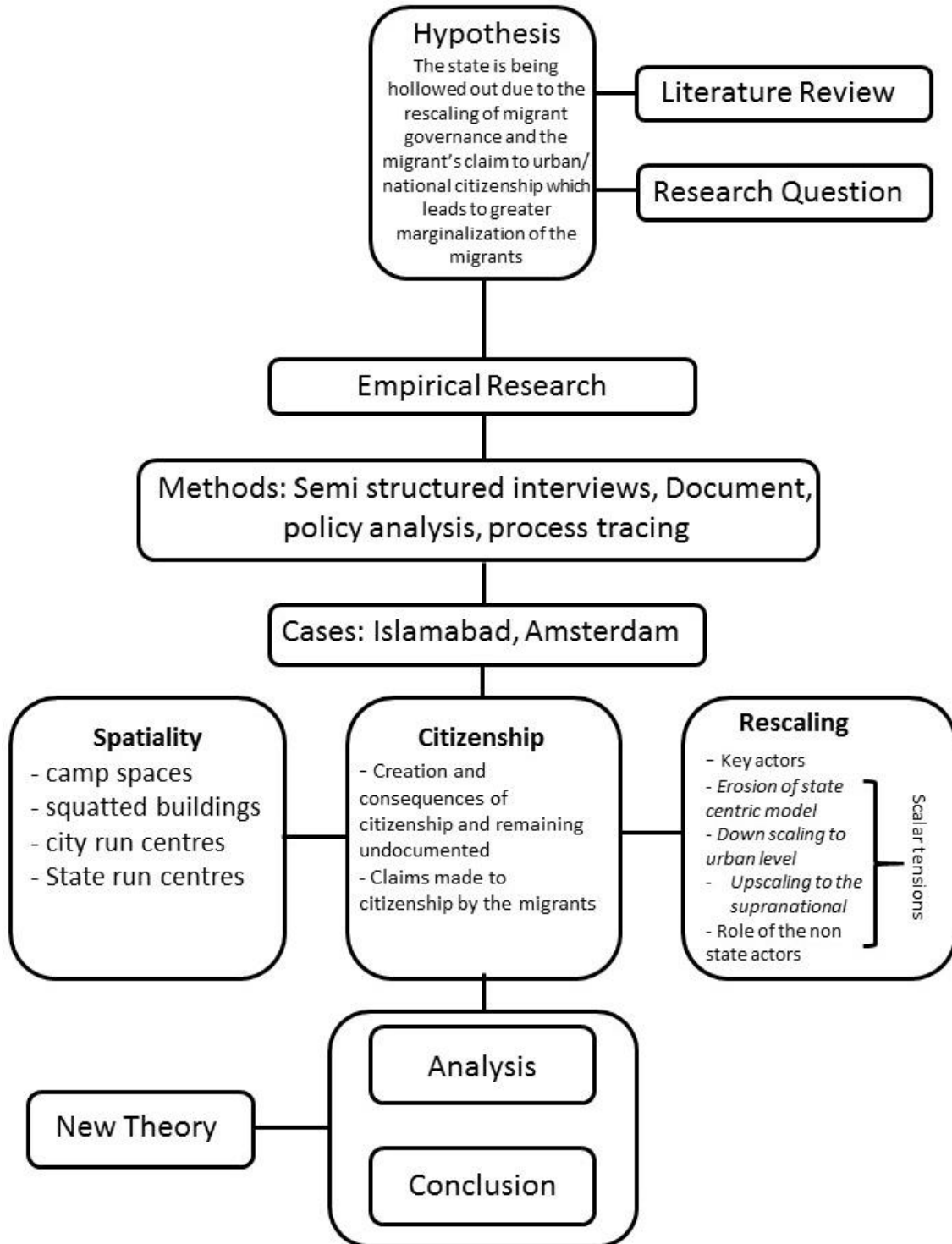


Figure 3: Research Design
Source: Author's own illustration

Methodology

Limitations within the Research

Access to the national, state and supranational level institutes in Amsterdam was problematic. As a response to request for an interview the public respondent said that no national level institute allows for an interview for students. The institutes that were contacted were the Ministry of Security and Justice, Immigration and Naturalization Service, Service Return & Leave and IOM. The NGOs and activists were quite approachable and useful in giving a critical perspective on the issue, but the NGOs that received subsidies were not so accessible.

Accessing official documents and policy papers in Islamabad was a major challenge. The most basic documents that were available at the local level were not shared, therefore the documents had to be obtained from the local/ national court where the conflicts of the national, the local scale and the activists were resolved. Some of the data requested regarding the Naturalization of the Afghans was also not provided by the concerned organization. Overall access to data, figures and statistics was difficult. There is not much current research on the topic, especially due to the undocumented status of the Afghans. In Amsterdam, the documents were available publicly and could be accessed much easily. However, translating the official policies/ documents from Dutch was a challenge. In Islamabad, it was hard to trace the people that were in the office when the rescaling of spatiality was happening. Efforts to trace them were in vain. Thus, the analysis has been limited to the policy documents, newspaper articles and data from interviews from NGOs.

Document/ Policy Analysis

The primary source of data were the state policy documents, official government documents, archived newspapers, action plans by public bodies or organizations and other secondary literature. The state policy documents were used to understand the aims and purposes of the policies and the overarching political motives of the actors involved. Secondly, to understand the state policy formulation processes. Secondary sources of literature were used such as policy proposals, draft policies, presentation material for senior officials. These sources of data were collected from interview respondents. For policy ratification and implementation,

contestation between the various scales newspaper sources were explored to trace this process and to cross check information from interviews. To uncover the power mediations that take place between these scales and to identify where power is concentrated documents that contain the organograms of the institutes and their divisions were looked at. The intention was to group data according to the requirements of the research objectives and then to use a deductive approach to answer the questions.

Semi structured Interviews

Semi structured interviews were used for qualitative research. These were a means to fill in the gap of information that cannot be obtained from policy documents and other archival material. In addition, the semi structured interviews played a key role in tracing the spatial movements of the Afghan migrants within Islamabad as these have mostly been of an informal nature and have not been documented or archived by official institutions. The information gathered by these interviews was also be used for the method of process tracing that is discussed below.

Sampling/ Selection of Interviewees

The first technique of interviewee selection was through ‘Purposive sampling’ where the participants are chosen in a deliberate selective manner owing to their relevance to answer the research questions (Bryman 2012: 418). It is a non-probability sampling method where a representative sample is used to derive specific information; the information gathered from the interviewees was used as a primary source of data. To avoid saturation of data from similar sources a heterogeneous mix of respondents was selected that are critical to the contribution to the diversity of perspectives and maximum variability in data. Snowball Sampling (Bryman 2012) was also employed; it is a non-probability sampling method when the interviewees are difficult to find and not completely visible. This method involves the use of primary data sources or interviewees to recommend other sources of respondents. Finally, the interviewees sample consists of following key government representatives (of all scales), policy makers & advisors, representatives of NGOs, activists and migrants:

Institution/ Level	Islamabad	Amsterdam
Supra national	02	-
National	05	-
Local	02	01
NGOs	03	03
Migrants	03	03
Activists	01	02

Table 1:List of Interviews

Process Tracing

This method was useful for data collection for the spatialities of the Afghan refugees as it is a sequence of past events that have not been documented by official reports and documents due to the informal nature of their settlements. In Amsterdam, the data regarding the spatialities was more accessible as there has been more research and documentation of the process by scientific as well as journalistic sources. The fieldwork with regards to documenting the spatial patterns of the displacement geographies was done by the method of process tracing (Bennett and George 2005). In this methodology, archival documentation of newspapers, documents, policies and other sources are analyzed. In addition, a close reading/ analysis of semi structured interviews with key policy makers, government officials, the representatives of the urban planning department of the city were used to trace back the habitation patterns of the migrant groups. Sampling of the interview subjects was done in consideration of this process. It is also a means to corroborate the authenticity of the data collected from other sources.

Empirical Analysis

Introducing the cases

Islamabad

Islamabad, the capital of Pakistan was established in 1960 by the then martial law administrator of Pakistan, as a planned administrative city. Islamabad was dreamt to be the core of political power, free from corruption, a tool to ensure the power of the military government that had come to power in the 1958 coup d'état. To this end, the Capital Development Authority was set up to oversee fully the administrative and judicial work in the planning and development of the capital. The master plan of the city was designed by the Greek architect and planner Costantinos Doxiadis, who true to the modernist ethos, called for the capital and its sister city of Rawalpindi to expand infinitely along the gridded rays of the masterplan out from the nuclei. Doxiadis called the masterplan a dynapolis, a dynamic metropolis, claiming that the grid could develop dynamically into space and time (Zaib 2002, Mahsud 2011). Changing time and needs of the city, did away with Doxiadis's idea of a neat all-encompassing grid with the eruption of urban informal settlements, locally known as Katchi Abadis in Pakistan. They have been a prevalent phenomenon for the poor who did not have access to housing. With the advent of internal and cross border crisis the Katchi Abadis have proliferated in size and complexity as displaced people have flocked to urban areas seeking livelihood. The city authorities have tacitly allowed them to grow as they house people that are essential for the functioning of the city for formal and informal labour. Nevertheless, they have given rise to regulatory mechanisms that have translated into policies such as the Katchi Abadi Act and regulations within the National Housing Act 2011. Article 5.2.1 of the act states that the eviction of the Katchi Abadi shall not be done until a resettlement plan is devised (National Housing Policy 2001). The Katchi Abadi Act itself is not applicable to Islamabad, as it is not a provincial territory, also any slum settlement before the 1985 is not recognized by the domestic law (L4 2016). The illegal seizure of public/ privately owned land is a violation of the illegal dispossession Act of 2005 (Ibid). Within these jurisprudential complexities, the inhabitants are displaced around and have no agency over their residence. The territory of Islamabad is administered by CDA per the ordinance of 1960 by the state. Islamabad is also a federal unit therefore it has its own federal administration called the ICT. When Islamabad was established the land was purchased by the owners and developed by

CDA to be sold again as redeveloped residential/ commercial enterprises. This is also why the Katchi Abadi Act is not applicable in the territory of Islamabad (L3 2017). These settlements are then managed by the local authorities.

Since the Soviet invasion of Afghanistan in 1978, Afghans have been residing in Pakistan as (non-official) refugees. There has been a continuous migratory movement between the much-contested border between the two countries which was tacitly allowed the Pakistani authorities. Till a certain point their presence was welcomed based on the Muslim solidarity and brotherhood. Until 1980 the refugees were supported solely by the state when UNHCR stepped in. In 2005 that the state run refugee camps in the outskirts of Waristan, Bajaur and Kurran agencies were closed (Grare & Maley 2011). Many Afghans returned to their homeland, while others made their way to urban centres as Islamabad to seek a means of living. After the census conducted by the GoP in 2015, 1.5 million Afghans were legally living in Pakistan, of which 74% are born in Pakistan but are not entitled to citizenship based on the national laws. 2% live in Islamabad while the highest concentration of 62% live in Khyber Pakhtunkhwa. 67% live in urban areas while the remaining live in camps managed mostly by the GoP (N4 2017). GoP also estimates 0.6 million undocumented Afghans in the country (CCAR 2015). The GoP is of the view that the Afghans are a burden on the economy while some research suggests otherwise; due to their illegality, they are a cheap source of labour which has benefited the construction boom in major cities as well as the transport business (Grare & Maley 2011). On the other hand, that has caused the depression of wage levels causing the locals to protest for their supposed loss of their jobs (Margesson 2007). Due to lack of research in this field their contribution to the economy is not quantifiable. However, they have been present and participative in the essential urban processes of the city for decades (P8 2017).

Amsterdam

Migrants documented and undocumented have been part of the Dutch since they came as guest workers in the 60s (LSE 2014). Despite the Netherlands claim of being an inclusive country it has been constructing borders of social exclusion that have devolved to local scales (Van der Leun 2006). The linking act of 1998 was especially targeted at the discontinuation of public services (health care, social housing, education) for illegal migrants based on their residential

status (Van der Leun 2003, 2006). The main aim of the Dutch government was to curb the illegal residence of the undocumented migrants and was preceded by several other state incentives to put the link act in motion e.g. residence to be authenticated by the social security number, acceleration of the asylum process (Van der Leun 2006). It affected the migrants the most in the fields of adult education and social housing where the eligibility to apply has become stricter (Van der Leun 2006). Depriving them of a social security number meant that they could not work legally nor open a bank account and be deprived of any kind of housing provisions (Besselsen, 2015). The 'visa law' was introduced that denied temporary residence permit due to earlier illegal residence under Gerd Leers the previous Minister for Immigration & Integration. Punitive measures for illegal residence were employed to deter the illegal migrants (MoSJ 2015). These policies were met with much contestation from most municipalities and the civil society. Many non- governmental and municipal bodies and actors continued to offer support and aid which meant that the implementation was not completely exclusionary. The link act is also discussed to be responsible for the proliferation in the number of NGOs that help the migrants and some of these are also given subsidies and funding from the municipalities (Bouter & Van der Luen 2015). This has caused severe scalar tensions between the state and the local level (Besselsen 2015).

An administrative agreement in 2009 in corroboration with the local level and the VNG coalition curbed the support from the local level stating 'municipalities will not directly nor indirectly cooperate with sheltering of aliens who stay illegally in the Netherlands and municipalities will close the existing emergency shelters' (Deetman & Albayrak 2007:3). However, the municipalities continued to support the migrants either through initiatives of their own or through outsourcing shelter assistance. The Regioplan policy survey of 2012 showed that the municipalities had reduced their spending on the migrants only by 15% which was justified by the absence of aid from the state (Besselsen 2015). Municipalities rely on the premise that they have a social responsibility for the migrants and public protection and sometimes 'they operated under protest' towards the inefficiency of the state to repatriate migrants (Bouter & Van der Luen 2015: 146). NGOs claim 'Civil society plays an important role when the state steps back' (Bouter & Van der Luen 2015:149). This social circumstances created a pool of undocumented disenfranchised migrants subjected to increasingly national and local level

policies of alienation. Some of these migrants have become more invisible and construing their own means of survival. Others have amassed enough representation to become visible to bring to light the flaws in the national, local and international level policy that ‘legally construct their illegality’ (citation). An estimated number of 5,000 to 10,000 undocumented migrants lived in the Amsterdam in 2015 there are much more in the Netherlands but due to their undocumented nature their number remains unknown (Kirzner & Bontenkoning 2015).

While the two migrant groups under discussion face different circumstances and state regulations in both cases they both came to a foreign land in search of better lives. But now loom in the margins of society where it is easy for them to become invisible.

Migrant Governance Structure

Islamabad

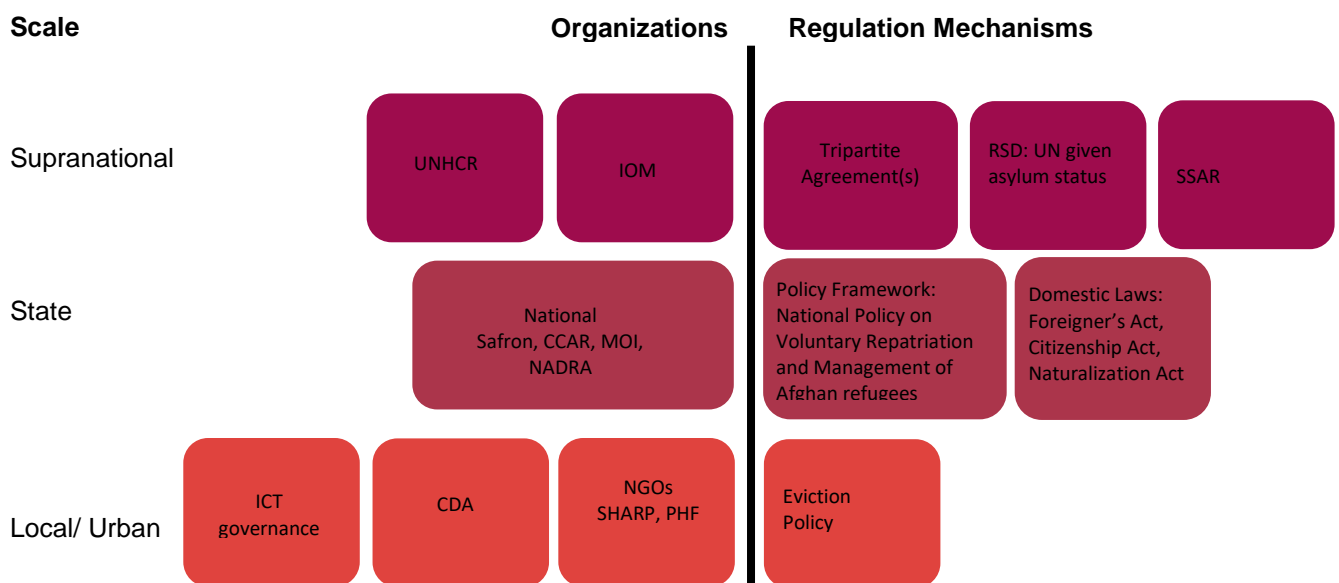


Figure 4 Governance Structure for Afghan population management

Source: author's own illustration

In Islamabad, at the Supranational level UNHCR deploys humanitarian programs for the registered refugees and IOM is responsible for undocumented Afghans. At the National level the main actor is the Ministry of States and Frontier which is then divided into 5 other departments each responsible for their respective federal territory. In Islamabad, the Chief Commissionerate of Afghan Refugees is in charge under SAFRON but maintains its office at the federal level not the local (SAFRON 1995). Ministry of Interior (MOI) at the National Scale is responsible on matters of

security and eviction, processing applications for Naturalization, Citizenship, granting exit permits from Pakistan and management of the Afghan deportees (I2 2017). National Database and Registration Authority (NADRA) is the implementing partner of UNHCR and other state organizations for issuing identity cards. There is no refugee/ migrant management division at the local level. Capital Development authority is responsible for the urban development and maintenance of the city. Islamabad Capital Territory Administration oversees the overall administration of the city and works with CDA on several matters (L4 2017). There are also several NGOs that get funding from UNHCR and work as their implementation partners.

Regulatory Laws & Legislations

Pakistan is not a signatory to the 1951 Geneva Convention nor its 1967 revised protocol. It also does not have a National refugee law (Grare & Maley 2011). The drafting of the law has been in process for 30 years and has been a joint venture of the GoP and UNHCR who provides legal assistance in the drafting of the law (I1 2017). The most relevant domestic legislation is the Foreigner's Act 1946. Under which if a non-citizen does not have any identification documents and is caught breaking a law of the country he will be arrested, tried for his offence and then deported to their country of origin (GoP 1946).

In the absence of a legislative framework for the management of Afghans a Tripartite Agreement between GoA, GoP and UNHCR was signed in 1993 and since then has undergone several revisions (UNHCR 2003). Solutions Strategy for Afghan Refugees (SSAR) is the main statute of the agreement, under which solutions for the prima facie refugees and voluntary repatriation are devised. The treaties over the years do not differ much in their clauses and lack a systemized implementation of the repatriation. The latest agreement has extended the stay of the registered refugees until December 2017 (HRW 2016). The terms of the agreement have which are deliberated and discussed at the international forum have great influence on devising the National Policy in Pakistan. UNHCR that maintains it is a 'nonpolitical organization' (I1 2017) is exerting a political role by being part of the treaty and lobbying for their own agenda which also influences the National Policy in both Pakistan and Afghanistan. The ambivalence on the validity of the registration status is a violation of the international humanitarian law which has been condemned at many international levels (P8, HRW 2017). Due to the limited time between

devising and enacting the extension the dissemination to the local police and the Afghans is limited leading to police abuses and ambivalence for the Afghans whether they should stay or leave (UNHCR 2015).

Lastly, one of the benefits of the treaty at the international scale is to highlight the issue and attract funding for implementation for the terms. Which means that they invite the supranational level to intervene and invest in the physical rehabilitation plans in Pakistan and Afghanistan. Pakistan received 195 million \$ in 2016 and a pledger of 15 billion \$ for investment in Afghanistan (N4 2017).

National Scale: Ministry of SAFRON

Policies regarding the Afghans on Pakistani territory are formulated by SAFRON (within all its constitutive departments). It is then discussed with advised by UNHCR. It then proceeds to scrutiny by the Ministerial Committee comprising of intelligence agencies, MOFA and MoLaw. The summary of this is then presented to the cabinet and the Prime Minister that then decide on the policy (P4 2017). It can be inferred that the state maintains the hegemony on the policy making capacities with considerable influence from the UNHCR and the tripartite agreement.

The current policy 'National Policy on Voluntary Repatriation and Management of Afghan Refugees' of 2015 is predominantly base on the repatriation and the temporary management of the Afghans (CAR 2015). The policy facilitates those that already have jobs, invested in businesses or were enrolled at universities in Pakistan. However, 'discreet management initiatives' were put in places that 'minimized the comfort level of Afghans residing in Pakistan' (CCAR 2015: 11). All Afghans must be registered with the local police stations, when they rented properties their landlords had to notify the police authorities and relevant CAR of the urban area, people should be deterred from renting housing to them. Stricter policing of the camps of the Afghans in urban areas are also mandated. All Afghan run commercial businesses had to be registered with the local police, illegal Afghan markets were to be closed down, employment in industries was discouraged, traffic police to monitor and check traveling documents and licenses. Checking of identification by the local police was strictly enforced (Ibid).

The temporary management arrangement creates a stricter policy and heavier policing after the Afghans (legal and illegal) which further leads to greater harassment by the local police. The devolution of bordering policies from the state is not as explicitly put in policy but the instructions that are passed on to the local authorities for implementation are meant at creating living conditions that are disenfranchises their basic rights and fosters an environment like that of the space of exception. These stricter, heavily policed circumstances are prevalent all over the city and the space of exception exists wherever the Afghan legal or illegal resides. The city is the camp for the Afghan.

Supranational Scale- UNHCR & IOM

UNHCR started working in Pakistan at the invitation of the GoP in 1980 (N4 2017). They only assist the registered prima facie refugees under their humanitarian mandate. They work with the GoP on the management and assistance of the Afghan refugees, rehabilitation of the exploited infrastructure in Pakistan by the influx of Afghans and the development of a National Refugee law in Pakistan (I1 2017). They are also pursuing a joint urban refugee strategy with CCAR for allocation of public services and legal assistance (UNHCR 2015). The GoP and UNHCR maintain a very convivial political relationship, as stated by a representative of SAFRON 'UNHCR and Pak is more of a Pak team working' (N4 2017). UNHCR is also the mediating partner between SAFRON and other UN agencies e.g. UNDP, FAO, ILO, UNESCO, UNHABITAT, UNOPS, UNWOMEN, WFP and WFO for projects and funding (UNHCR 2015). The undocumented Afghans fall under the mandate of IOM, but they only assist in repatriation or deportation back to Afghanistan (I3 2017).

Change in policies towards the Afghans

Pakistani authorities had maintained an inclusive attitude towards the Afghans if not through official policies then by the tacit allowance of their meagre violations of the law that were necessary for them to live decent lives (P8 2017). This took a radical turn after the terrorist attacks reached its zenith after the Peshawar school attack in 2014 (Zaidi 2015). The NAP (National Action Plan) was devised at the National level which enforced a stricter policing regime especially at the noncitizens. Afghans being the largest minority by Nationality bore the brunt of unfounded abuses, harassment and evictions by the local police (HRW 2017). Even though the

involvement of the Afghans has not been proven they were subjected to a discriminatory attitude by all scales including the local population on whom they depend for employment and housing (P8 2017).

Amsterdam

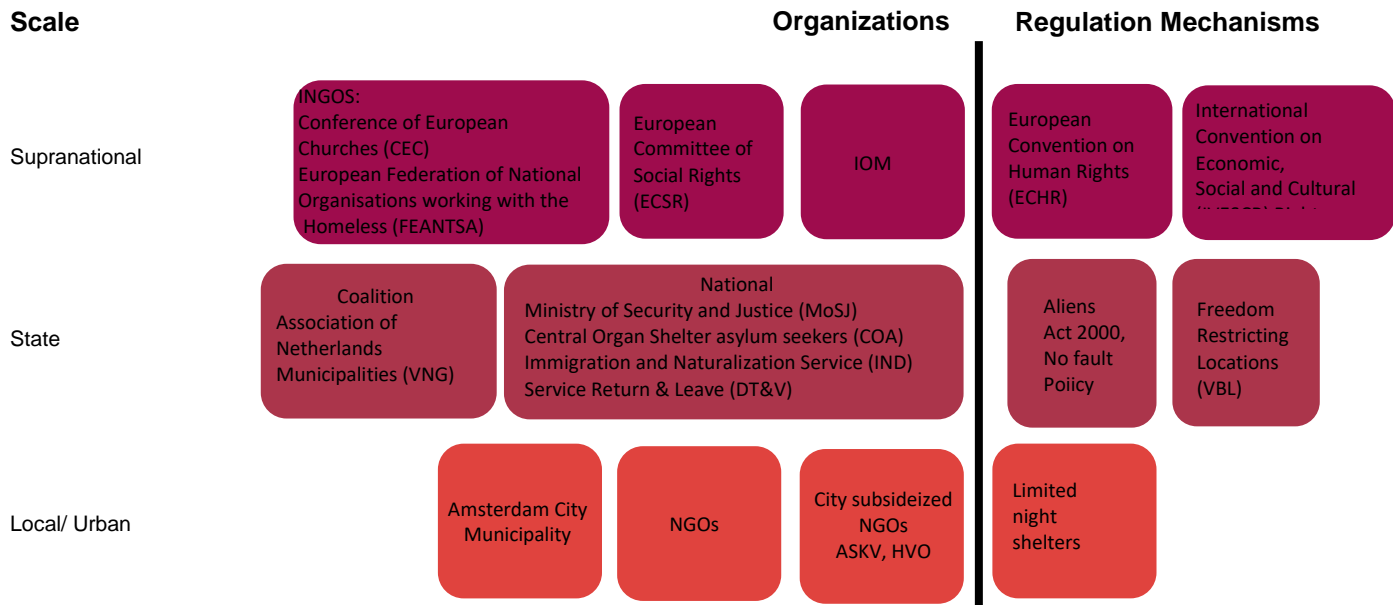


Figure 5 Governance Structure for undocumented migrant management in Amsterdam

Source: author's own illustration

The organizations at the National scale as mentioned in the diagram maintain the decision-making power in deciding the status of the migrant as undocumented. Further, they arrange for their repatriation/ deportation in collaboration with IOM. The city municipality regulates the presence of the migrants at the local level as well as outsourcing some of its work to select NGOs. INGOs and NGOs function in their own capacities and agendas to help the migrants.

International, National and Domestic Laws concerning the rights of the migrants

Article 10 of the Aliens Act 2000 states unlawful migrants living in the Netherlands are not entitled to any form of welfare from the state or the municipalities. The only exception is in the case of emergencies which enfranchises them to medical, educational and legal aid but do not legitimize their illegal stay. Under severe medical emergencies a residence permit shall also be granted. Section 45 of the Act states that the Alien must leave the Netherlands in compliance with the state and the local authorities in the designated period. If they are occupying a property without a legitimate residential permit would be a violation of the law and can legally be evicted

(MoSJ 2011). There is also the provision of a temporary residence permit under the 'no fault policy' where the migrants have exhausted all their means to leave the country but is only granted in minimal numbers (P4 2017).

However, under the International and European law the migrants are entitled to human rights regardless of their residence/ citizenship status or nationality. The European Social Charter and the ESCR states that the Netherlands is a signatory to entitles everyone to the right to housing, social and medical care to everyone within their territory (Charter, 1996). Netherlands is also a signatory to the IVESCR and the CESCR which entitles everyone to live in security and dignity with 'adequate nutrition, clothing and housing'. Despite the delineation of these international laws there are not legally binding on the state as stated in the Netherlands's Art. 93 and 94 of the Constitution and are difficult to impose. Appeals made based on these laws are denied by the Dutch courts. The CESCR point out that the rights of the IVESCR are indeed "binding on each other" (Craven 1995). Based on these migrant are entitled to Bed, Bath and Bread. The exactitude with which basic rights should be delivered to the migrants is not specified in the international laws either, leaving it open to the interpretation of the state relegating more power to the state scale.

Once the decision on the asylum applications of the refugees is decided by the COA and the IND; and rejected they are called 'ongedocumenteerde' or undocumented. They have the option of staying in a centre in Ter Apel called a Freedom restriction centres (VBL) if they want to work on repatriation out of Holland. The DT&V and the IOM make the necessary arrangements for the migrants to return. Having a V- number is important to access this shelter. They can stay for a period of 28 days but can be extended if they comply with their return. If their country is willing to take them back they will be deported, if not they have to live on the street (Justice, 2015). There is also a faint chance of getting residence permit by the 'no fault' policy; which means that the person has exhausted all other legal options may be granted a permit for a limited period. The VBL can be classified as a space of exception where they are under the absolute control of the state but also excluded by not being granted citizenship of any form. When the migrant stops complying with the return procedure they are put out of the shelter onto the streets (Thränhardt 2016). Other spatialities of the undocumented migrants are illicitly

rented residences, squatted buildings and temporary accommodations with friends/ family (P2 2017).

Comparing the governance and the regulation mechanisms employed in both cities, it can be inferred that in Islamabad the state is more centralized in terms of the formulation of its policies. There is considerable influence from the supranational level (UNHCR) in terms of the implementation and advising on various matters in the absence of a National Refugee policy. They also maintain a partnership in the Tripartite agreement. The main reason is that the state is dependent on the supranational for a considerable amount of funding. The local scale is not engaged in anyway. NGOs work on their own agendas as well as implementing partners of the UNHCR. In Amsterdam, the regulatory measures are distributed between the state and the local level, while the state level maintains the commanding scale. Both these scales are completely independent from the supranational in terms of deliberating and making policies, their implementing capacities under the IOM are employed for specific purposes. There is also a coalition that acts as a mediator between the state and the major municipalities in Holland. Privately and city subsidized NGOs as well as INGOs with local offices in Amsterdam are very present and active.

Despite their institutional differences, they both create regulation mechanisms that impose restrictions on their physical and social mobility. More stringent restrictions are imposed on residential patterns and options. In Amsterdam, state and city shelters are available to a few migrants whereas in Islamabad the registered and non-registered Afghans are left to their own devices.

The next section presents the two cases. The process of each city is discussed as a single section as both had different sequences of how citizenships, spatialities were produced by rescaling and migrant activism was enacted as a reaction.

Rescaling citizenship spatialities of Migrants

Islamabad

Citizenship of Afghans

In 1980, when the Afghans came they were all accepted as Prima Facie (N4 2017). After several cycles of repatriation, a census by SAFRON followed registration exercise was done in 2005 as agreed by the Tripartite agreement between the GoP, UNHCR and the GoA (N2, N4 2017). 2.15 million registered Afghans were given Proof of Registration cards (PoR) each with a unique registration number. UNHCR enters a contractual agreement with NADRA yearly (also for the revalidation of the PoR cards) when it comes to the implementation of the tripartite agreement not the GoP. The registration entitled them to rent properties, enter the labour market, avail education & medical facilities and most importantly an official legitimization to ‘temporarily remain in the country’ and escape the Foreigners Act (N3 2017). However, it did not confer any citizenship status/ rights on them, they were and still are Afghan Nationals (N4 2017). Their status is of Prima Facie refugees which is considered as refugee status by UNHCR (UNHCR 2017). A Prima Facie status implies the migrants are deserving of the status of refugee but due to the limitations of the host nation or mass influx of refugees, individual claims cannot be individually screened therefore groups not individuals are assigned ‘prima facie refugee’ status. Individual prima facie is granted when a ‘simplified/ accelerated process’ is used for screening (UNHCR 2015: 8). This is contrary to the thorough screening process in Pakistan, the Afghans were individually screened and verified by the state authorities at the 168 verification/ registration centres. Verification was also based on previous census and Basic Health Unit Cards that were issued to them at the UNHCR run camps. This registration number is currently being used to trace their locations, families etc. (N2 2017). It can be deduced that the prima facie status is digressing from its UN assigned meaning and being used firstly, as an alternative in the absence of a refugee granting legislation. Secondly, as a means of limiting the citizenship status of the Afghans by which they are temporarily allowed to stay but do not have the state’s legitimization to integrate in the local population.

There have been reverifications, but no new Afghans have been allowed to register themselves since the completion of this registration exercise in 2007, except for the immediate relatives of the already registered Afghans (N2 2017). The validity of the cards was initially till

2008 and was increased on ad hoc basis because of the revision(s) of the Tripartite agreements (N2 2017). The ambivalence on the validity of the PoR cards has created undue pressure towards the Afghans to return and has been considered a violation of international statutes (HRW, P8 2017). Currently the PoR cards are valid till Dec 2017 (Shahid 2015).

The ones that remain undocumented do not fall under the policy purview of the GoP nor the UNHCR's humanitarian mandate. UNHCR assumes that they are either refugees or economic migrants (HRW 2017). They are neither entitled to PoR cards nor a Pakistani visa as they have violated the law by being in the country illegitimately (N4 2017). Per international humanitarian laws they are the responsibility of the IOM (P8 2017).

UNHCR has an MoU with the GoP since 2012 to register the PoR and non PoR card holders by giving them refugee status determination (RSD). The migrant submits an asylum application which is then assessed on the criteria by the 1951 Geneva Convention, UNHCR's own criteria and the prevalent political conditions. The main aim is to identify eligible refugees and protect those that are the most vulnerable (UNHCR 2015). If they are screened in, then they get an identification that is registered with the UNHCR and grants them protection against police abuses and deportation. GoP has no say in the determination of who gets a RSD status, the entire process is done under the competencies of the UNHCR (I1 2017). Due to the limited capacities of UNHCR and a forecast of a rise in RSD applications the services of local NGOs have been employed (UNHCR 2015). Nevertheless, UNHCR falls short and only reaches out to a scant number of Afghans that are in dire need of help (HRW 2017).

The legal system of Pakistan identifies only two states of citizenship; citizens or foreign national. The term statelessness does not exist and thus has no administrative policy through which it can be dealt (P8 2017). PoR card holders can apply for Pakistan citizenship which is done through the Naturalization Act 1926 or the Citizenship Act 1951 (N3 2017). Access to citizenship through these acts is made exceedingly difficult based on stringent and strict criterion e.g. investment of 5 million Pkr, knowledge of local language, marriage to a Pakistani man (Afghan men married to women are not eligible), abdication of Afghan citizenship, lengthy bureaucratic procedures (P7 2017). Further, those that fulfil the stringent criteria have been denied their right

and very few have been granted Pakistan citizenship (P8 2017). Temporary visas are granted for the purposes of business and education but are also limited to those that belong to a specific socio economic (N2 2017).

Lastly, several Afghans have obtained fake Pakistani National Identification Cards that allows them to live in the country like Pakistani nationals; they own properties, have government jobs. However, it also makes them more susceptible to trial under the Foreigner's Act 1946 and eventual deportation (P8 2017). Under the NAP, NADRA on the directives of the MOI has been filtering out the fake ids and these people have then been deported to Afghanistan (N3 2017). It is these variants of citizenship that get inscribed into space that will be discussed in the next section.

Spatiality

Afghans occupy different forms of residences in the city of Islamabad. Due to the lack of data it is difficult to assess their geography within the city. However, based on personal insights and the field work it can be deduced that there are two predominant groups; one that lives in rented properties that belong to a more affluent socio economic class (N2 2017). The second category is of people that are more vulnerable to the exclusive rental market and have occupied and self-appropriated slums in the city (P8 2017).

Afghan Basti in the I-11

At the time of the influx of Afghans in Islamabad the sector of I-11 was an empty plot of land and the government was facilitative and they were legally allowed to occupy it by the state but did not have any property rights to it (L3 2017). The registered and unregistered Afghans occupied this slum with the locals and internally displaced people in Pakistan that all worked in the nearby area. The slum informally came to be popularly known as the 'Afghan Basti' (Afghan settlement) by the locals (Ahmed 2015). The landscape was dominated by self-constructed mud houses, plastic tents, no sewerage, mud and squalor in the streets (Baloch 2009). It was surrounded by industrial areas and a very big fruit and vegetable market (Shafqaat 2016). It was the opportune location for them to create their home on the empty land next to the industrial hub that gave them opportunities of informal labor and employment. The Afghan Basti is not a deliberate product of the refugee management governance but they are the embodiment of the

exclusionary policies from the state of internalizing the borders so the migrants are left to their devices to create their own residences.

Rescaling Spatialities of the Afghan Basti

Phase I- relocation

After the first phase of repatriation under the Tripartite agreement it was seen that the Afghans ‘recycled’¹ and came back to occupy the same slum in I-11 (N2, L3 2017). I-11 was predominantly designed as a residential area where plots of housing units were already sold to the public in 1980 (Muhammad 2009). As the city grew and CDA decided it was time to redevelop this area so the city administration, ICT and CDA issued eviction notices to the inhabitants. The supranational level was engaged by appeals from the Afghans after few of their houses were demolished without prior notice from the city authorities (Kleinschmidt 2009). CDA and ICT then approached UNHCR through SAFRON; after a series of negotiations it was decided that UNHCR will relocate the 3000 Afghans to a green belt at the edge of the city. The exact number of the registered/ non-registered at this phase is not known. It was a consensus driven decision to relocate the Afghans based on the current Tripartite agreement to move registered Afghans in a humane way (Kleinschmidt 2009). Neither SAFRON nor CDA have policies on how to manage the migrants living in slums (P8 2017). The implementing capacities were upscaled to the UNHCR level (Muhammad 2009). Despite these arrangements most of the inhabitants returned to the same land due to its closer proximity to their places of livelihood and their already constructed mud houses and necessary infrastructure (P8 2017).

¹ Recycling is a term used in the policy papers of SAFRON which implies that the Afghans that had returned to Afghanistan after receiving

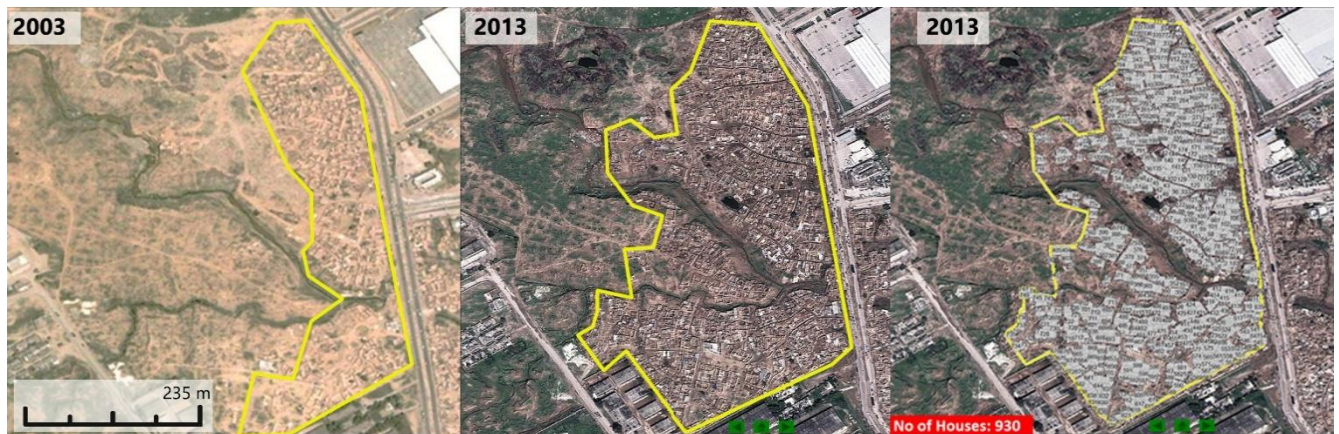


Figure 6 Afghan Basti over the years
Source: (CDA 2014)

Phase II- the Eviction

The Afghan's shift back to the I-11 followed by complaints and litigations against CDA from the owners of the land (L3 2017). At the time the number of registered Afghan Refugees in I-11 were 1022 individuals and non-registered Afghans were 254 individuals (CDA 2014). CDA contacted CCAR to use its network to liaise with MoRR & UNHCR to communicate to the Afghans to vacate the land. MoRR requested for a delay in the eviction and the assistance of UNHCR in the resettlement. CDA emphasized that they were depleting the natural resources and polluting the area. They gave a strict timeline and resettlement option in the Kot Chandna camp in another city or to self-rented accommodations; these recommendations were backed by SAFRON (D. Estate 2013). UNHCR intervened by engaging SAFRON as an intermediary for negotiations with MOI, CDA and ICT. They asked for a realistic timeline of the eviction and a resettlement plan for inhabitants invoking the terms of the Tripartite agreement. It was also used as a lobbying factor for delaying the eviction stating the extension of the validity of the PoR till December 2015 and impending repatriation past this date. UNHCR further stressed this is not a sustainable solution referring to past relocation (Kleinschmidt 2009). Interviews with the inhabitants by SHARP showed that the inhabitants were aware of their illegal occupancy but had no choice as their livelihood depended on the fruit and vegetable market and the rents were too high for their meagre income (P8 2017).

CCAR was an essential intermediary when proposals, policies and implementation plans had to be communicated from the local and state (CDA, ICT & MOI) level to the supranational level

(UNHCR, IOM). There was never a direct channel of communication between the two scales which allowed it to maintain its hegemony. The national scale had an important role in the deliberation process but the funding from UNHCR was increasing its own influence and subjugating, if not hollowing out the role of CCAR. Nevertheless, CCAR only represents a faction of the national scale. CDA and ICT were intent on the eviction, they also were aware that they had a legitimate claim to it so the lobbying power rested with them. However, they were constrained by the hierarchy of the decision-making process that was centered at the state level and highly influenced by the supranational level. While there were no evident scalar tensions between the scales the lack of a definitive decision was delaying the process that the local level wanted expedited. The dead lock was finally resolved by the Islamabad High Court in response to a petition by a land owner of the I-11 area in June 2015. The court ordered CDA to devise an action plan; they submitted a four-phase eviction plan of not only the I-11 slum but all the Katchi Abadis in Islamabad and proposed no resettlement alternatives (L3 2007). The court also instructed that the eviction should start from I-11 as it is densest slum in Islamabad and appointed MOI as an alliance in the implementation of the eviction as this would turn into a law and order situation (APP 2015).

When the eviction was happening, the residents assisted with by Awami Worker's Party (a left wing political party), activists and lawyers resisted the operation. Arrest were made and several people were detained. Soon their resistance subsided CDA and ICT razed their mud houses to the ground (Abbasi 2015). After the eviction, the land was under surveillance so the residents don't return (Dawn 2015).



Figure 7 Demolition of the Afghan Basti
Source: (Hussain 2015)

UNHCR and MSAFRON only came after the eviction had happened to condemn the act, they did not give any financial aid, assistance or resistance during the action (L3 2007). UNHCR also invoked the 'Temporary Residence Act 2015- Punjab' and the Policy Plan 2015 of SAFRON which

deters landlords to rent properties to the Afghans by needlessly increasing bureaucratic procedures. They also reprimanded that they were assured that the eviction would not take place until substantial notice while I-11 was listed as 'phase 1' in the CDA operation plan (UNHCR 2015). CDA & ICT maintains that the eviction of the I-11 Katchi Abadi was not in violation of the constitution as they had the ruling from the court for the implementation (Shafqaat 2016).

At the time 12.5 % of the I-11 population was of registered Afghans and 3.17% of non-registered (M. Estate 2014). There is however a huge variation in the statistics that were gathered separately by NADRA, ICT, the local Police authorities and UNHCR as pointed out by the minister of MOI (MOI 2015).

It can be deduced that the deadlock of decision making was resolved but only to give rise to another crisis. In this crisis, the spatiality reverted to being the space of exception when the local level enacted the law of eviction in conjunction with the suspension of law by the absence of SAFRON and UNHCR when the eviction was taking place. Power downscaled to the local level that enabled it to alter the spatiality of the Afghans enabled by the IHC court decision.

(Non) Migrant Activism

The eviction was highly contested, lawyers, activists and members of the AWP gathered for protests at the site of the eviction and demanded rights for the evicted residents. These protests were made at the local level. More importantly they lodged a petition against the MOI, CDA, ICT and the Islamabad Police based on the violation of the fundamental rights as delineated by the Constitution in the Supreme Court (Iqbal 2015). This petition was made on behalf of the Pakistani Nationals that were living in the Afghan Basti. The petition stated that none of the residents of the Afghan Basti were Afghan as told by the UNHCR. The Afghan refugees reside in a camp run by UNHCR in I-12 (Iqbal 2015).

The Court ruled in their favor and halted the further evictions planned under the 4-phase plan of CDA and ICT. It stated that the State cannot abandon its duty to provide fundamental rights under Article 38(d) of the National Housing Policy. It reprimanded CDA and ICT on the brutality of the eviction. It further implored all the provincial governments to devise a national policy to deal with Katchi Abadis (Malik 2015).

Amsterdam

Migrant Activism: We Are Here (Wij Zijn Hier)

'We are here' is a group of self-organized undocumented migrants. They setup tents in the garden of the Diaconate in Amsterdam followed by another tent camp resistance in Osdorp where they gained national focus (P2 2017). This resistance led to the consolidation of the group with other migrants, local activists and the Diaconate itself. After squatting three other buildings they entered an agreement with the Amsterdam municipality after personal negotiations with the mayor and they could seek refuge in a previous prison termed 'project Havenstraat' sponsored by the city for six months in April 2013 (A1 2017). It has been called the initial phase of the Bed Bath and Bread shelter scheme (P4 2017). This happened as an immediate measure to resolve the crisis before the issue was discussed in the city council. The city wanted to pacify the migrants yet with a temporary solution so the crisis could be averted. (P4 2017). The only people that were allowed in this agreement were the ones that were registered from previous acts of resistance (WZH 2017); they were given a unique form of citizenship of 'registered illegals'. Their spaces are bereft with the resilience and activism of the migrants while still living in conditions of temporality. The mobilizations that they enacted were aimed at the exclusionary policies that are created at the state level and implemented at the local level. The initial mobilization erupted spontaneously (without the help of activists/ NGOs) and was therefore localized in its scale as well. Nichols argues that for a resistance to create institutionalized change it needs to emerge from a networked mobilization (Nichols 2013). However, the reason why it caught attention of the municipal authorities was due to the spatial character of the protest that appeared as an aberration within the ordered landscape of Amsterdam. It was the spatial aspect of the protest bereft with the agency of the migrants that created a channel of negotiation with the municipality overcoming its deficiencies of being embedded in a larger network; what they lacked in mobilization they made up in spatiality. The space that they created can be labelled as 'spaces of insurgence' (Isin 2008).

The migrants from WZH continue to squat buildings. They have squatted 27 places in the city of Amsterdam. The combination of the illegality of the migrants and the anti-squatting law of 2010 (Dadusc 2017) makes the spaces particularly precarious. However, the network of WZH was

restricted and even exclusive to those that created it at the time of its creation and even now; it only grants parochial membership 'It is not a shelter it is not that people can just join it is a living group of activists' (A1 2017). The migrants have warranted a distinct citizenship within their own illegality based on who is included/ excluded in their activism.

After countless negotiations and tensions between the group and the municipality they have learnt to tacitly accept them. WZH is no more an impending threat and the city sees it best to let the status quo exist (L1 2017). It can be deduced that the city is using the spatial practices of the migrants to placate them and defer them from further (spatial) resistance. Some

activists of WZH claim that the city enters a deal with the owners of the squatted buildings so the temporality of the spatialities can be extended 'it was ridiculous because they ask us to solve their problems' remarked as activist from WZH (A1 2017). The city maintains the stance regarding their presence 'they want to stay legal, they want work, they want money, education, houses and those are all things that are not the responsibility of the city, it is not the responsibility of the government so we can't help them, so their presence is tolerated. When the owner of this house says that they must go then they have to go, it's the same for anybody else in Holland'. (L1 2017) for WZH. The city

now 'tolerates their presence' (L1 2017). It can be further deduced that the (same) space of insurgence has lost its ability that created a scalar flux and been diminished/ reduced to a discreet tool of management of the migrants by the city. The spatiality has lost its ability to produce a change and therefore the migrants had to devise new ways if they want further changes.

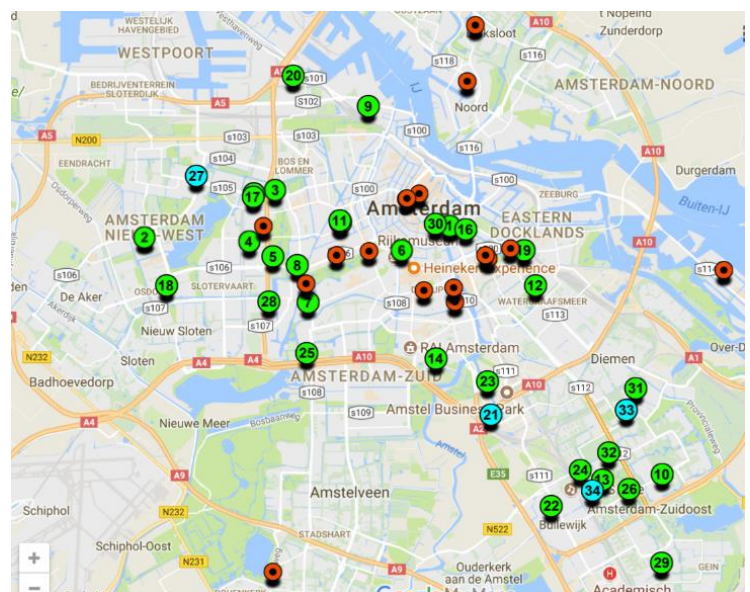


Figure 8 Squatted places of the migrants
Source: (WZH 2017)

The involvement of the activists has been cardinal to the success of WZH. However, the role of migrants themselves is limited to the representation of the group as living in precarity. The activists were capable and willing to fill in the gaps where the migrant's capacities were deficient. The actual functioning of the group which entails negotiations with the municipality, arrangement of aid, resources, food, filing law suits, legal help, finding buildings to squat, general management is entirely run by the Dutch volunteers. While they do represent the rights of the migrants it can be deduced the activists form the backbone on which the group WZH can survive and sustain the demands that are made to the municipalities and the state (A1 2017).

Continued efforts of WZH

WZH now enacts systematic and institutionalized methods directed at the national level. Amongst some of these movements have been lobbying with politicians and presenting them draft laws. They accomplished the change in the Dutch residence permit granting law for nationals from Yemen, they are currently also lobbying for the same policy for Eritreans. They marched to The Hague to raise awareness for their issues of concern. They have also proposed changes in the current structure of the BBB at the local level (but to no avail) by negotiating with the Amsterdam municipality; proposing alternative spending models. They also have consolidated efforts with Sans Papier in Brussels and Lampedusa in Hamburg but only to a limited extent (A1 2017).

Rescaling refugee policies: Creation of the Bed Bath and Bread

WZH amassed the support of the Conference of European Churches and its diaconate. More than providing physical assistance they lobbied for their rights at the European level and lodged a complaint against the Netherlands with the European Committee of Social Rights in January 2013 regarding the lack of basic provisions for the refused asylum seekers. (Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013) (Quesada 2014). An earlier complaint was lodged by the European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands (complaint no. 86/2012) (Leppik 2014) in July 2012 based on violation of rights under the European Social Charter.

The ruling of both the cases was released in late 2014 and concluded that the state of Netherlands in violation of Article 31.2, 13.1 and 13.4, 19.4(c), 30 of the Revised European Social Charter. Under these articles the state is obliged to provide social, medical assistance, emergency shelter and housing. It also criticized the state for setting a strict criterion for who it considers it eligible for state sponsored care and recommended a revision of this criteria as many vulnerable children, women and adults were exempted. The criteria should not be made conditional to the migrant's willingness to return as that was a violation of Article 8 of the ESC (Quesada 2014, Leppik 2014). Even though rulings of the ECSR are not legally binding on the state the court ruled that it could not be neglected anymore (Rights 2016).

Downscaling sheltering capacities: BBB & 24-Uursopvang

During the mobilizations of WZH representatives of the municipality, G4, the VNG, IND and the MoSJ were all in negotiating processes with the migrants on the ground; urging them to opt for repatriation or housing in the VBL. They were also deliberating amongst themselves for the creation of a structural support as opposed to ad hoc temporary solutions for the WZH members (Klerks, 2017). Pressure from the Netherlands Institute of Human Rights (VNG 2014), the first court ruling by the ECSR and the provisional judge of the Central Appeals Tribunal pushed the Amsterdam municipality to provide basic amenities to the migrants (Rights 2016). In Dec 2014 under the Aliens Program proposal two models were devised the Bed bath and bread and the 24-Uursopvang (hour shelter) for the undocumented migrants (Implementation Program Aliens 2014).

It can be extrapolated that it was not just the resistance of the migrant groups (and their activists) but the civil society and private actors that confronted the state and the local level by invoking supranational level authority by the European court of Justice. While the rulings of the decision are not legally binding, it gathered enough support and inertia from the civil society and the media for the creation of shelters for minimal rights for the migrants. But, the downscaling happened less due to the political will of the city scale and more due to the pressure they faced from the supranational level ruling authority.

This downscaling was not welcomed by the state; State Secretary Teeven considered the ruling of the ESCR as not legally binding and only as an initial decision (VNG 2014). He further argued

that the undocumented people already have the VBL for shelter, when the cities offer additional shelters the people would not avail the VBLs and will not return (A1 2017). Nonetheless, the MoSJ provided conditional compensation for the costs incurred by municipalities for the reception of strangers who are not entitled to government care till the further ruling of the European Committee of Ministers on the ECSR ruling of the CEC vs. Netherlands case.

The VNG advised the municipalities running the BBB to not provide structural facilities as the cost will not be reimbursed by the state. The compensation was predominantly based on how many migrants were facilitated in the facility (VNG 2014). However, a closer look at the budgeting indicates that the larger proportion of the fund was allocated to the repatriation of the migrants (Besselsen 2015).

Spatiality: BBB and 24 house shelter

The entry to these shelters was determined at the Office for the undocumented (Vreemdelingenloket). To be eligible for the services the migrants must prove their status of being undocumented/ rejected asylum seekers and show their V- number which is given to them when they register with the Dutch immigration system (P4 2017). This condition is problematic as those who do not have a V-number and are evading policing cannot use these shelters.

There are 2 BBB facilities in Amsterdam in Walborg and Amsterdam. There is a total capacity for 135 people. There is also the provision of 24 hours in the Walborg facility for 13 people but designated only for the mentally ill. They are given basic provision like food, some medical care and the service is operational from 1700-0900. The service of running the BBBs are outsourced to the NGO HVO Queirido but the rules are determined by the municipality (P4 2017). The 24-Uursopvang has a limited capacity of 35 spots. The eligibility is determined by a 'field table' meeting conducted amongst the ASKV, GGD medical dept. and the IND. Some mentally ill people are also given some live money; but the decision rests in the hand of the GGD. It is run by the salvation army and only houses the migrants for 6- 12 months regardless of their mental/ physical condition at the end of the period (Besselsen 2015). Mostly, the ill migrants from the BBB were sent to this facility, then after the period there is exhausted they return to the BBB. All migrants in this shelter must work on returning home, otherwise they will not be eligible for the

medical care. Currently, this facility is being closed due to the shortage of funds of the city without any future plans of where to accommodate the mentally ill migrants (P4 2017).

The city municipality maintains strict conditions for entry and liminal support of the BBB. They want either the migrants become legal stay or go back. As stated by the city 'we want the people to go out of the BBB to work on a solution, so people can go out so there is new place for other people' (I1 2017). They are also inhibitive for producing pull factors to Amsterdam, as the city is very attractive for the migrants (Ibid). A family facility was also created and another 24-hour shelter and the allocation is done by the city municipality based on the status and vulnerability of the migrants.

As every municipality runs their own BBB they provide different provisions, time durations based on the policies of the local governance in each respective municipality (Besselsen 2015). The model in Amsterdam has been criticized to give the least amount of facilities. Amsterdam being the capital of Holland hosts a much more diverse population of undocumented migrants. It is also the city where the first BBB was setup, thus the system was installed all at once not considering what kind of undocumented people were in the city; there was no gradual evolution so it was systemized quickly from informal (in the Havenstraat prison) to formal; consolidating the control of the municipality (P2 2017). It is also costlier than the BBBs in other municipalities, currently the costs of the BBB in Amsterdam are the highest despite giving the least provisions. This has been attributed to the strict and restrictive measures employed. People are given precooked catered meals, there are guards at the facilities (Ibid).

As remarked by a local NGO employee 'everything is about control, about taking away autonomy. and if you take away autonomy they get depressed, you create a system of sickness, you make people sick. Making people sick is costlier, if they stay healthy they have more chances of going back' (P2 2017). The authority to regulate the BBB remains at the local scale, which is problematic as their criteria for shelter is for migrants that are mentally or physically sick, but there is no initiative for people who are not sick yet and are vulnerable in other ways (P2 2017).

The migrants on the other hand see it as a last resort, but due to their limited options have no other place to go. A migrant described it as 'the BBB is not good, because when I go at 5 they

come knock and they say hey wake up at 9! and after then I go outside and outside what I do after? they make it so confusing you have to runaway yourself' (A2 2017).

Rescaling refugee policies: Dissolution of the BBB

The ruling of the ESRB followed the decision by the Committee of Ministers in April 2015. The ruling did not clear the ambivalence regarding the responsibility of the state towards the undocumented migrants but was still in disagreement with the ECSR ruling of deferring the responsibility of sheltering of migrants to the national scale. The obligations of the ESH can only be enforced if the contracting parties are willing and cannot be enforced by the ESRB; the Dutch government was still not obliged to provide housing to them (MoSJ 2015).

The official decision of the dissolution of the BBB by the state was the result of contentious process in the cabinet. Anti-immigrant sentiments have been on the rise in current Dutch politics fuelled by parties like the PVV (Freedom Party) that have come to promote the exclusionary policy towards the migrants. This has also resulted in political conflict within the national scale (Hess 2016). The decision was achieved after a deadlock between the VVD (People's Party for Freedom and Democracy) and PvdA (Labour Party); the political parties of the coalition. Parliamentary papers termed it the 'government crisis' (Wormann & Seiffert 2016: 14). While the PvdA argued for more rights for the migrants, the VVD countered by making it conditional to their compliance to return to their country of origin. Party President of PvdA has been an advocate of protecting migrants in other cities and was unable to convince VVD who has diametrically different ideas for sheltering the undocumented migrants (MoSJ 2015). The policy seemed to be the result of averting the 'breakup of the coalition' as opposed to solving the actual crisis (Wiegel 2015).

The agreement that PvdA and VVD concluded in The Hague agreed that only five cities may temporarily accommodate asylum seekers. Under the decision, the state run emergency centres called 'pre-phase VBL' were to be limited to Ter Apel, Amsterdam, Rotterdam, The Hague, Utrecht and Eindhoven while ensuring the closure of the ones in other municipalities and were meant only for the people that would comply with their return. Here the migrant's willingness to return was monitored and tested (under the DT&V) and only then could they access the VBL (MoSJ 2015). They would provide no long-term care. It also stated that the government and the

municipalities will collectively determine the localities of these centres and the resources for their management but the government funding will be directed towards the return of the migrant only. The greater part of the funding was allocated to the return of the migrants. The decision also indicated that to ensure sustainable return of the migrant's investment from for the Development Cooperation budget shelter will be made in their country of origin. With these provisions by the state the city does not need to offer emergency shelters to the migrants (MoSJ 2015).

In November 2015, the Central Appeals Court and the Administrative Jurisdiction Division (Domestic Courts) gave the verdict that the state is not legally obliged to provide shelter to illegally residing aliens. Nevertheless, under articles 3 and 8 of the ECHR the state is liable to give residence to unlawful adult aliens but only under the condition that the migrant declares himself and complies with his return. It further ruled that the municipalities are not in violation of any national/ international law by continuing to run the BBBs and is also not obliged to provide shelter under the Social Support Act. It gave the decision power to the State Secretary to decide if the alien is eligible for shelter under the criterion of willingness of return. The state also evaded its responsibility by invoking the international disagreement over the allocation of rights by the European Convention on Human Rights (ECHR). (Netherlands, 2016).

While the courts operating at different scales helped resolve the deadlock of the decision and the conflicts, they also created ambivalence in terms of what their decision really meant. The state used the committee of minister's ruling to re-establish its own legitimacy and state centrism but at the cost of almost breaking up the coalition.

Scalar tensions with the Municipalities and the State

Another consequence of the state's re-established centrism was that contestation by the mayor and the council of Amsterdam and other municipalities. The mayor asserted that the plan could not work as there will always be a group of people that would 'choose to stay on the street instead of returning'. The state assumes that the BBB is a magnet for the migrants, but it is structured so the migrants get minimal support while still working on their repatriation (EAN 2015). All municipalities have refused to comply with the state terms and continue their individual BBB schemes by financing them by their own resources (The Economist 2015). This

undermines the state legitimacy and deincentivizes the migrant's repatriation and is a reoccurrence of the municipalities defying state regulations which calls for a renegotiation on the issue (Hess 2016).

Even though the capacity of the BBBs in Amsterdam has increased from since its creation by 36% the entry conditions to the BBB has become more restrictive and conditional after the state's discontinuation of funding. E.g. the migrant should not come from the list of safe countries and should be from Amsterdam. Migrants who have been working in the black market and/ or have a criminal record are completely banned from the BBB. The emphasis and the financial budget is still oriented towards the return of the people (Klerks 2017).

The municipality of Amsterdam (and the rest of the Netherlands) are not obliged under any law to provide the emergency shelters of any kind (Klerks 2017) and therefore cannot legally be penalized by the state for doing so. The municipality argues that they have taken care of the migrants which is a state problem for many years. However, their true motive is to keep the migrants off the streets and their cities safe (L1 2017). This could also be the reason why they have a tacit acceptance towards the squatting of the migrants.

Citizenship: Subjectivities of Citizenship created by the state, city and the migrants

The official citizenship status of the undocumented migrants remains 'Ongedocumenteerde migranten'. However, by the policies and the ad hoc measures of migrant shelters that have transpired have simultaneously produced categories within the 'Ongedocumenteerde migranten' so they can be ascribed the different forms of shelters. Referring back to Marshal (1992) citizenship as a title is granted by the state based on an exchange of rights of citizens vs. their obligations to the state. In this case the migrants are given the right to shelter conditional to their volition to return. But the varieties of shelter created by the city (BBB, 24 house shelter) are distributed based on the categories within the undocumented migrants that are derived from the physicality of the migrant i.e. physical, mental wellbeing. These categories created by the local level become the citizenship subjectivities of the migrants which connects them to a compatible shelter.

Lastly, there is also the citizenship subjectivity that exists by the migrants of WZH. They claim urban citizenship based on their 'politics of presence' (Darling 2013) and their contribution to the urban production of space (Purcell 2003). These claims only warrant them a tacit acceptance from the municipalities and minimal residence till they are evicted time and again. They also only represent a small proportion of the existing undocumented population.

Role of the Private Actors

Private Actors such as NGOs operating at local, national and supranational level have been active in the aiding the undocumented migrants. The DT&V outsources its responsibilities to private organizations e.g. Gootwerk, bridge2better in the matters of deportation/ voluntary return of the migrants. The local scale also utilizes as well assists in this partnership (A1 2017). The outsourcing sets up a competition amongst these organizations that seek more migrants to deport them earn them more legitimation and subsidies creating more precarity from the migrants (P4 2017).

There is a web of NGOs provide legal assistance, general help and some even have night shelters in limited capacities for extremely vulnerable people. They also enjoy the trust of the undocumented migrants more than the state/ city. Where they authorities fall short the private actors fill the gap (P1 2017). Overall there is a greater coordination amongst most NGOs as they all work towards the assistance of undocumented migrants and they are jointly critical of the exclusive policies of the state and the city municipality (P4 2017). The new state decision has ramifications for the NGOs and other private humanitarian organizations. With the increased migrants on the streets, their homelessness would increase the cost associated with helping them as described by the FEANTSA report of 2013. These organizations would have to pay more taxes which would push them to apply for more state, local subsidies and funding. Lastly, there will be more costs involved with the migrants protesting the state regulations in the judicial systems with the increased legal help from private associations (Hess 2016).

The diaconte under the Church of European Foundation also runs the WorldHeus which provides day shelter to the migrants with food and legal assistance. However, with regards to providing 24 hour shelter like some other NGOs they assert that they have solved the problem for the migrants once (by making the court case) and don't want to do it again. Their agenda is a

better BBB in Amsterdam, 'the church is not an activist, we are just worried about what's happening in the city. We signal problems and we try to solve them with the city' (P2 2017).

Current Spatiality and governance

Islamabad

The Afghans have either repatriated back to Afghanistan or moved to another slum in I-12 currently run by the UNHCR and recognized by CDA and SAFRON (Hetland 2013). A resident claim that they only get support from SHARP and Hashoo Foundation. 'UNHCR is only obliged to aid refugees in the camps. The settlement in I-12, and other refugee settlements and urban slums in Islamabad and Rawalpindi, are not entitled to international support' as remarked by UNHCR's public information officer but still continue to assist them (Ibid). The current camp has grown to the capacity of 6000-7000 Afghans. Their registration status is unknown (P9 2017). While this settlement is recognized by the CDA, their respondent said that they can stay here for the time being but 'a time will come when they will have to move again' (L3 2007).



Figure 9 New I-12 slum

Source: google maps

The process of rescaling also incurred a spatial shift from the space of exception of the eviction to the a new 'gray space' as the Afghans resumed their precariat life in a different slum, legitimized by the all authorities but still living at the potential risk of eviction.

Since 2016, Pakistan experienced the greatest repatriation of Afghans. 2.4% of the registered and estimated 20% of the undocumented Afghans have returned to Afghanistan (IOM 2017). HRW which is an American INGO has termed it the 'largest unlawful mass forced return of

refugees in recent times' (HRW 2017:1). The main factors behind it are the implementation of the NAP plan, SAFRON policy that creates barriers for access to housing (HRW 2017). Another factor is the increase in the repatriation amount by UNHCR, which has increased from 200- 400\$ since 2016 (UNHCR 2016). This amount promised a better hope and evasion from the abuses that they were facing in Pakistan. Although, this claim was refuted by the UNHCR. The amount was resumed to the original amount in 2017 based on the lack of funds of UNHCR (HRW 2017). Lastly, it is the unclarity of the validity of the PoR cards. This resulted in further abuses and even the destruction of the cards that had the old expiry dates on them (HRW 2017). HRW has declared Pakistan guilty of refoulment of the 'universally binding customary international law' and holds UNHCR complicit in these activities; by increasing the push factors and not reprimanding the GoP (HRW 2017:3). This claim has been concurred by other organizations e.g. Norwegian Refugee Council (Rasmussen 2017). HRW recommends that UNHCR should declare Pakistan is in violation of the Tripartite Agreement as their returns are not voluntary. Further it should suspend its ratification of the agreement until Pakistan complies with the condition of voluntary return of the refugees (Ibid). The report further implored International donor agencies including the EU to push Pakistan to extend the PoR based on a realistic timeframe to allow for humane conditions for the Afghans to live in Pakistan (Ibid). The latest development on the registration of the illegal Afghans in Pakistan is that they will be registered as of July 2017 by the GoP based on an agreement which has been called the 'carrot and stick policy' stating that they will not be harassed by the police if they get registered (Khattak 2017). While documented the undocumented migrants is a necessary step, this method is in violation of the 'universally binding customary international law' (HRW 2017: 3) and should be halted.

The coordination of the national and the international scale been so well aligned that they are both complicit the evasion of their responsibilities and in the mass refoulment of the Afghans exiting Pakistan. This has given rise to scalar tension between the private actor and the supra and national scale. The report delegitimizes their performance on an international forum and will have great repercussions on the international funding that they receive to maintain their legitimacy in Pakistan.

Amsterdam

Soon after the decision of the dissolution of the BBB a UN report from the Committee on the Elimination of Racial Discrimination reprimanded the decision by the State based on the inadequacy of the amenities for the migrants (Deutsch 2015). While the ESCR continues to urge the state to make more humane policies, the Netherlands' State council in response to an Iranian case for housing rules that the European Convention on Human Rights are not legally binding for the state to provide housing for the unlawful aliens (Expatica 2015).

The shelter providing capacities remain downscaled to the local level simultaneously with the scalar tensions between them. While the municipality remarks that 'the state allows the BBB, I think that the system we chose is reasonable for the government so they can allow it' (A1 2017) tensions between them are still present (P4 2017). There have been continued efforts to resolve this issue on the national forum with assistance from the VNG especially after the elections of 2017 (A1 2017). There has also been pressure from the European Court of Human Rights (ECtHR) that gave a verdict citing the Article 3 of the ECHR that for a migrant to receive shelter from the state should not be conditional to his willingness to return (Besselsen 2015).

The latest negotiation process resulted in the recommendation of the creation of local alien provision (LVV) which would essentially have the same function as the pre-phase VBLs but have guidance for return formalized in the model and therefore meant only for the migrants who are willing to work on their return. It reminded the municipalities that the pre-phase VBLs have been validated by the Board of State and the Central Council of Administrative Court ruled on November 26, 2015. It further ruled that the municipalities 'do not have specific competence and obligation in terms of the care of prosecutors'. While the BBBs are not against the law it is a 'non-profit making policy' especially since the state has provisioned for the LVVs. The Secretary implored the termination of the BBBs he said that with the simultaneous existence of the BBB and the LVV the migrants will be encouraged to stay. This would nullify the legitimacy of the pre-phase VBLs, the LVV, the state and the municipalities concurrently (MoSJ 2016).

As a response, two employees from the Wereldhuis started an initiative to lobby for the rights of the undocumented migrants. Initially, they attended the meetings of the city council where they participated by voicing their concerns. It later progressed to conducting assembly meetings

of their own; the participants were the politicians (from PvdA, GroenLinks), the municipality, various NGOs and IOM. Their strategy was to amplify the individual stories of the individual migrants and draw emphasis on the specificity of each case to counter the city's policies that constructs them as a homogenous identity.

They also emphasize on improving the conditions of the current BBB. Nationwide coordination is also on their agenda as they also coordinate with other municipalities in the Netherlands to achieve a more holistic model of the BBB. The intention is also to bring the undocumented migrants at the forefront of these assemblies (if they chose to participate) so their activism is used in a more systemic and be directed towards more institutionalized structures. Their lobbying efforts are restricted to the local level, that they hope will progress to the national level. They are also member of Picum (an organization that lobbies for rights of the undocumented migrants at the EU level) and maintain ties with regards to policy development on the EU front. The city municipality thwarts their demands saying that the NGOs and diaconate are demanding too much for them and it is the job of the state not the city (L1 2017).

Under the current circumstances in both cities the migrants live in the space of exception as the state level policy tightens and becomes more stringent. For the aid of the migrant in Amsterdam, the private actors fill in the gaps where the authorities fall short but on the other hand they are critical of their exclusionary policies. The lobbying effort of the diaconate is an effort to bring this issue on a discussion forum where it can be resolved by representation from all scales of governance that are directly involved in the process and most importantly the migrants themselves (which is not happening now but is on their most immediate agenda) to resolve the issue by effective deliberation. This forum is essential as it deconstructs the homogenous identity of the 'Ongedocumenteerde' for all scales present so specific policies and shelters can be created by those who have the authority to create and implement them. However, in Islamabad the only help that they have is the international level report from the HRW that does reprimand the state and the supranational level but to no avail as stricter policies for the undocumented migrants are put in place.

Analysis

In Islamabad, it can be deduced that the state scale (SAFRON, the Cabinet, MOI) maintains the power when it comes to granting citizenship when applied through the National legislation and laws. However, the state centrism when it comes to the registration of the Prima Facie refugees is contestable as it was the result of a tripartite agreement and influenced by UNHCR and GoA. The identity of the registered Afghan is that of the homo sacer (Agamben 1998) where they are included by labelling them prima facie refugees but excluded by being denied Pakistani citizenship. It gives them liminal rights to exist in the city based on the no integration policy of the GoP (N4 2017). Basing it on Marshall's definition of citizenship It is in fact a legitimate status as it does confer a basic level of rights from the state in exchange for the obligation on the registered for behaving under the state statutes to be allowed to remain on sovereign land. The supranational level (UNHCR) is going beyond its humanitarian role and taking over the role of the sovereign (state) by granting a citizenship status; the RSD. Even if it is done under an MoU and the state is outsourcing its sovereign power to grant rights. Despite the UNHCR maintaining that it is not a political organization it is extending asylum ship to those who need it (in a country where the asylumship is not part of the official procedure). UNHCR plays a huge role in influencing what rights those labels entail as they give a considerable amount of funding for the projects. This gives a new nuance to the what the label of citizenship entails, where the status is granted by the state but the rights are allocated by mutual deliberation and funding.

Moreover, the term Prima Facie Refugee status is problematic because the state (and UNHCR) uses it as a tool to attach its own subjectivity to the Afghan citizenship which is digression from the UN definition and disenfranchises the Afghans from the rights that they are entitled to. The state also homogenizes the entire registered and unregistered Afghan population only under two titles, whereas it comprises of economic migrants, victims of human trafficking, Afghans born on Pakistani soil (P7 2017). The policies that are made by the state are also reflective of the same homogenous construction of the Afghan population and do not offer specific solutions to their conditions.

Amsterdam is similar in the sense that the state only refers to the migrant's official title of 'Ongedocumenteerde' and sees them as a homogenous group, while the city divides them into

more categories for allocating shelters. It is these discrepancies that also contribute to the difference in policies from the city and state and is a contributor to the scalar tensions between them. The categories of citizenship created by the city are also disparate from the ground realities of the migrant's conditions and backgrounds. They are also problematic as they exist because they further divide an already marginalized group of people. As remarked by an employee of the Worldheus addressing the inadequacies of the BBB 'in Amsterdam, you have such a different group from such different backgrounds so I think that the municipality set up a system all at once not considering what kind of undocumented people were in the city' (P2 2017). They consist of people who previously had a social security number, had legal jobs, paid taxes before their status was revoked by the Linking Act of 1998. A select number of migrants also lost their residence permit because of missing out on legal paper work. These people have been living in the Netherlands for years and consider themselves citizens. There are also migrants who never applied for asylum, whose application got rejected or they are Dublin claimants from other European countries (P2, P4 2017).

Lastly, the Afghans are entitled to urban citizenship based on their presence and contribution to the urban production (Purcell 2003). Their claims to citizenship have been scant (TNN 2016), made under a non- institutionalized capacity and therefore have not borne into the recognition of their citizenship demands (P8 2017). In Amsterdam, the claims made for citizenship were enacted to gain much attention but were neither recognized by the state or the city, except subjectivities that they attach to themselves for the sake of their agency.

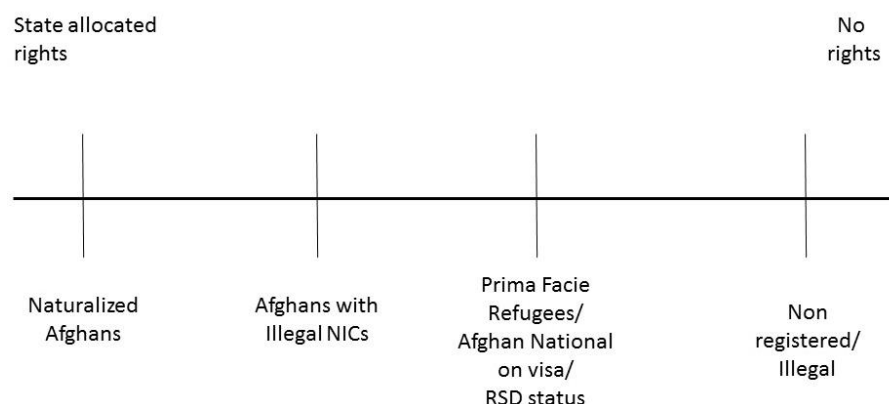


Figure 10 Range of Citizenship labels and subjectivities of Afghans in Islamabad

Source: author's own illustration

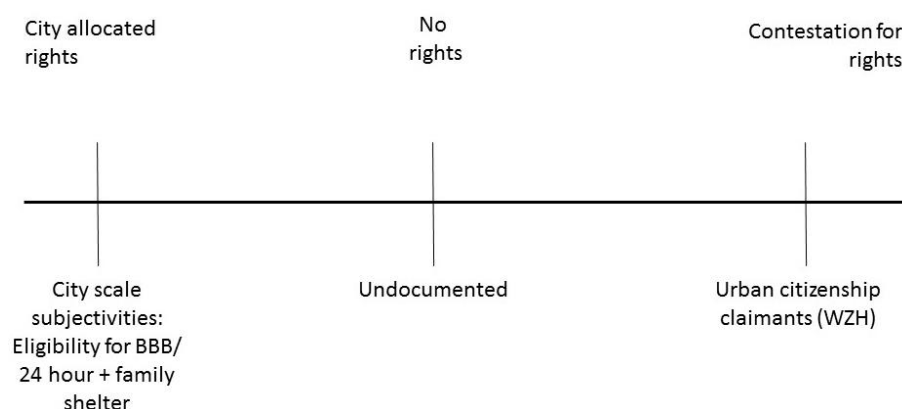


Figure 11 Range of Citizenship labels and subjectivities of Undocumented Migrants in Amsterdam

Source: author's own illustration

Grouping together the range of citizenships in Islamabad and Amsterdam allows us to infer that there is a greater range of migrants in both cities that do not have rights allocated by the city or the state. There is a more diverse range of migrants in Amsterdam comprising of the claimants of urban citizenship and city level attached subjectivities. However, in both cases considering what rights the migrants are entitled to the categories fall short not just in their range but also the rights granted by the state and the city.

In Islamabad and Amsterdam, the exclusionary policies from the state and local level policing created the condition of the camp (Agamben 1998) that are not limited to the camp anymore. The city has become the camp by creating the camp like conditions for the migrants and the places that they inhabit in the city. The Afghan Basti in Islamabad was the epitome of the exclusionary policies and the minimal rights that were allocated to the registered and non-registered Afghans by the state. It existed primarily as a camp where the homo sacre lives amidst the dual suspension and the enactment of the law by the sovereign. However, it is also where the afghans exert their own agency (against state laws) to normalize their everyday life (by creating their homes, informal/ black employment) within this spatiality. Their agency does not transgress to the level of the 'politics of presence' where they actively protest they exclusionary policies of the state to create the space of insurgent citizenship (Holston 2009). Their activism remains minimal for overcoming the constraints of the conditions of the camp, in violation of the regulations imposed by the sovereign but not exceeding to the level of insurgence where they

actively contest the exclusionary policies. Its spatiality lingers somewhere between the space of exception and the space of insurgent citizenship. This particular kind of spatiality is termed as 'gray spaces' for further analytical references. The space reverted to being the camp when the eviction happened by the process of rescaling. The change in spatiality was due to the momentary downscaling of power to the local level with the assistance of the local level court. Currently, the Afghans live yet again in a grey space under the looming fear of another eviction.

The space of insurgence created by WZH in Amsterdam lost its insurgence, to become a gray space where the agency of the migrants and the activists was reduced to their efforts of normalizing their lives. While the insurgent aspect of the spatiality is maintained from the end of the migrants the city does not respond to the insurgence anymore. It can allow us to deduce for the space of insurgence to exist it needs the engagement of both parties; where the acts of resistance incite a response from the other.

The state shelter for the undocumented migrants; the VBL is a version of the camp where the sovereign segregates them from the rest of the citizens in a dual condition of the enacting the law by imposing stringent and movement restricting measures on them and the suspension of law by exempting them from citizenship of the state. The BBB, the 24-hour and family based shelter from the city although modeled on the same stringent and restrictive conditions offers some freedom of movement. However, the conditional entry for these shelters make them available only to a scant number of migrants. It is in these shelters that the city introduces its own citizenship subjectivities for the undocumented migrants to sort them into who fits the conditional criteria of the right to provisional shelter. Both these spatialities are a way of devolving the borders internally implemented by the state and the local scale and exist as a camp like space for the migrants.

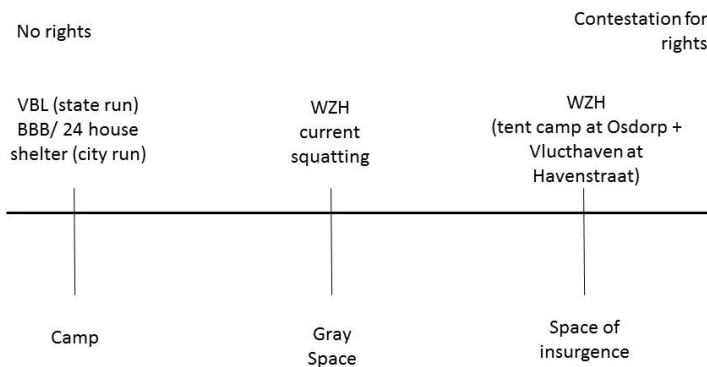


Figure 12 Axis of Spatiality Amsterdam

Source: author's own illustration

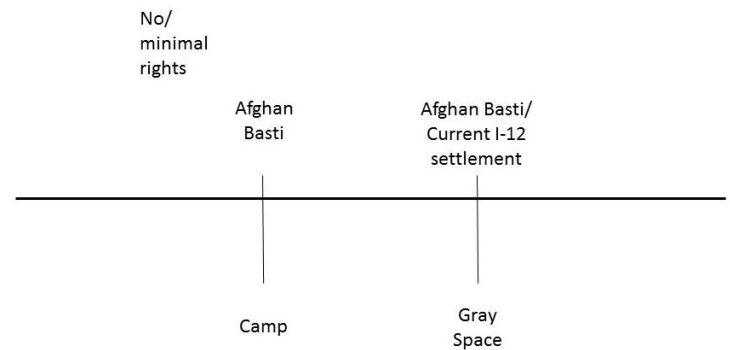


Figure 13 Axis of Spatiality Islamabad

Source: author's own illustration

The scheme here infers that in Islamabad, the spatiality of the research remained restricted to informal settings as the state/ city/ supranational level did not allocate a more permanent form of residence. In Amsterdam, while there were shelters provided by the authorities but also varying between the camp and gray spaces. The space of insurgency only appeared for a temporary period. All these spatialities are the product or the cause of rescaling which in the case of Amsterdam also adds a citizenship label. It can also be deduced that the axes of spatiality are congruent to axis of citizenship in terms of the minimal rights that are allotted to the migrants.

The rescaling process when it came to the creation of the citizenship and the spatialities of the Afghans in Islamabad were two distinct processes. The rescaling of the citizenship (by the granting of the RSD status) remain in the background and part and parcel of the exclusionary policies of the state that create the conditions necessary to produce the camp and the gray space of the Afghans in the Afghan Basti. The state maintains its power in this area though. Rescaling processes for the management of the spatiality takes a different turn as the power to change the spatiality is momentarily downscaled to the urban level by the local court. Only to be reverted to the state level by the national level court. Within this process the state maintained its legitimacy by being the mediator between the supranational and local scale. The state and the supranational level's implementation strategies may have differed but they collaborated on the

same policy agenda. It is difficult to say if the state is hollowed out or not because the data that was gathered/ available cannot adequately delineate the responsibilities of the state vs. the supranational level.

Unlike Islamabad, in Amsterdam the rescaling of citizenship and the rescaling of spatiality occurred within the same process when the power was downscaled to the local level by the pressure created by the supranational level court, the non-state actors and the migrants themselves. This accelerated the ad hoc downscaling of power (of the creation of the BBB+ citizenship subjectivities) further accentuated the scalar tensions between the state and the local level. The state then used the same court ruling to employ the help of another supranational level regulation body to shift the power back to its scale. However, it resulted in more scalar tensions that have still not been resolved. In Islamabad, there were no explicit scalar tensions.

In both Islamabad and Amsterdam, the emergence of the judicial power (emerging from the local, national and supranational level) of the courts can be seen as an external body that is not part of the main migrant governance system but intervenes when its external source of power is needed; modifying not just the range of actors but also the mechanism of how the rescaling occurs. The judicial system however only offers temporary solutions.

While the city municipality in Amsterdam plays a very active role, the city level in Islamabad is only active and pushing for its own agenda with both the national and the supranational level when its own interest is at risk i.e. the ownership of the land that the Afghan migrants occupied. The local scale does not have a department for the management of refugees, which is why ad hoc measures were employed using the court. The governance system in Pakistan lacks an institutionalized space and procedures where such matters can be deliberated. They need a system and a forum where the policies can be streamlined, especially since the Afghans still live in a gray space.

The power shifts between the scales in Amsterdam and Islamabad are not new occurrences. They have taken place before and will continue to do so. What is at stake here is the rights, the citizenship status and the spatialities of the migrants. Activism that represent the interests of these migrants to contest or to cause these scalar shifts are essential as the key actors in check with ground realities produced by the rescaling process.

The migrant activism that arose out of the WZH movement in Amsterdam though localized at the urban scale bore the result of getting minimal support from the municipalities. It is also important to acknowledge that the migrant activism also reached the level that it did because of the involvement of the non-state actors: the activists and the church to invoke the supranational level to pressure the state into increasing the rights for the undocumented migrants. They aided the migrants, especially because they are not capable of doing it in a structured/ systemized way as they do not have the legal, social and political capacities to do it themselves. The activists and non-state actors are citizens within the national container, they have more of a capacity to challenge/ engage the state because they are included and legitimized by it. The migrants on the other hand lying within the domain of illegality and exclusion from citizenship cannot engage with the state at the same level.

In Islamabad, the activism that took place resisting the local scale (that momentarily assumed power) was the construction not of the migrants but of the those that possessed the legitimacy of protesting the violence of the state: legitimate citizens. More than that the petition came from a political party not the non-state actors nor the civil society. The purpose of their protest was not to claim a more legitimate citizenship for the Afghans but to defend the rights of the residents of the Katchi Abadi that were already in possession of a citizenship. The problem with this scenario is that activists only defended the rights of those that possess the same citizenship. The migrants were absent from the whole scene of activation, but the activation of the citizens also benefited them as they could dwell in their existing gray space without further intervention by the authorities. They received supplementary benefits from a mobilization that had another agenda.

Like the undocumented migrants in Amsterdam, the Afghans (registered and unregistered) do not have the capacity to contest the state as they don't have the legitimacy due to their relegated citizenship. They also lack the legal competencies and the agency to resist state policies. The space of insurgent citizenship does not and cannot exist in the form of informal settlements in Islamabad; firstly, as this form of spatiality is not disjunct from the urbanscape of Islamabad. The Afghan spatial informality was a means for them to attach themselves to an already existing spatiality and integrating with the local population.

Secondly, the non-state actors do not come to the aid of the Afghans in moments of uprising. Referring back to Chatterjee's division of civil society and political society the citizenship status difference between the two exist based on their acquisition and use of property/ space within the city. For the civil society to maintain its higher rank of citizenship it will maintain its elusive role and endeavor to purge the spatialities of the political society that exist against its own interest as evident from the case of Islamabad. The strategic policy formulation from the state to placate the civil society and control the political society existed till a threshold was reached and the Afghans had to be removed from the Katchi Abadi.

Lastly, as illustrated by Agrawal's environmental governance the civil society was engaged primarily through a top down management and control of the councils through which they were able to redefine the state and periphery relationships. But the momentum to accomplish that came from embedding civil activism in a state maintained regulatory structure. The origins of the movement were not from a completely civil space. That I believe is a structural problem that is prevalent in Pakistan as well. Activism can only bear a systemized change if it originates and has the political support of an organization that is based on a top down structure e.g. the intervention of the AWP. The problem with that is that the agenda of the activist movement will be diluted by the agenda of the organization and the real purpose of the resistance will be lost (e.g. the removal of the Afghans when contesting the eviction of the Afghan Basti).

Mobilizations like lobbying for migrant's issues by the World house in Amsterdam are not present in Islamabad because the space where such movements can emerge solely out of the construction of the non-state actors, where the political and the civil society interact that is part of democratic culture does not exist. This space is cardinal where such movements could grow contesting the policies of the state.

Conclusion and Recommendations

This thesis aimed to test this hypothesis in the cases of Islamabad and Amsterdam: if the state is being hollowed out, due to the rescaling of migrant governance and the migrant's claim to urban/ national citizenship, how and why does this lead to greater marginalization of the migrants.

I have illustrated through the empirical findings and their analysis that in the case of Islamabad the state maintains the power in the domain of policy making, Afghan refugee management and granting of citizenship. UNHCR works in conjunction with the state, maintaining their role as a consolidated partnership and funding a substantial number of its initiatives. They also maintain a partnership and the power to alter the spatiality of the Afghans. However, power is momentarily downscaled to the urban level with the intervention of the judicial system only to be reverted back to the state by a higher judiciary system. The Afghan spatialities in Islamabad are highly reflective of the exclusionary policies of the state and bear the brunt of the volatile rescaling processes, as evidenced in the eviction of Afghan refugees discussed above.

In the case of Amsterdam, due to the active resistance of the undocumented migrants, support from the non-state actors and pressure from the supranational level, court downscaled the power of the state, to give minimal shelter to the migrants, to the local level. Supranational level judicial ruling was employed by the state to attempt to revert the scales back in its favor but resulted in greater scalar tensions between them. The spatialities and citizenship subjectivities that are produced in the process are reflective of the exclusionary and segregatory policies of the city.

It can be deduced that the state, in either case, has been hollowed out by the downscaling of shelter providing capacities to the local level as a reaction to the resistance of the migrants. While the governance mechanisms and the rescaling processes differ considerably in the two case studies, collectively they offer a new window into the study of migration and refugee management globally. Most prevalent in the scholarship reviewed for this thesis was the tendency to consider these cases separate in their causes, limitations and outcomes, often time across a west- non-west divide. What the comparative analysis demonstrates however is how

both case studies act like nodes in a global network of restructured statehoods, the story of one tied intimately to the other in terms of economic and social restructuring, the reformulations of codes of citizenship and spatiality. While this form of rescaling has been studied by many scholars in terms of its economic effects, its significance for the study of citizenship and its allied spatiality is grossly understudied. My work, in this regards, offers groundbreaking research into this phenomenon: it demonstrates, on the one hand, how Amsterdam and Islamabad are both connected to one another; and how we must study the effects of rescaling on governance, citizenship and statehood, beyond just economic terms to truly understand the nature of our changing world, on the other hand.

Based on the result of the hypothesis the following recommendations can be made. Firstly, in both cities a more in depth research and analysis needs to be made on the conditions and needs of the undocumented migrants and registered Afghans. This will help the migration governance structure to adequately address the rights that the migrants are entitled to. They do not need to be ascribed more citizenship labels as they engender greater stratifications in an already marginalized group of people. Everyone should be screened and reevaluated for their individual needs. Addressing their needs also does not imply giving everyone equal provisions and shelter but to assess the needs of the people so necessary provisions are made for those that should return and those that should stay in the country.

The latest development on the registration of the illegal Afghans in Pakistan is that they will be registered as of July 2017 by the GoP based on an agreement which has been called the 'carrot and stick policy' stating that they will not be harassed by the police if they get registered (Khattak 2017). While documented the undocumented migrants is a necessary step, this method is in violation of the 'universally binding customary international law' (HRW 2017: 3) and should be halted.

In Islamabad, if the state/ UNHCR cannot provide them with any form of shelter, then less stringent conditions for residential acquisition should be imposed on the Afghans. Further procedures to counter the violations as criticized by the HRW should be devised and implemented. In Amsterdam, it is recommended that all the municipalities join forces to have a cohesive structure and framework for the BBB and other shelters and for lobbying for more

support for the undocumented migrants. The allocation of these shelters should be done after thorough screenings and assessment of the migrant's conditions.

Rescaling is made out to be a contentious process where the scales are competing for power for the pursuance of their individual agenda. However, in Islamabad and Amsterdam it can be inferred that the rescaling occurred whenever there was a staging of an activation, a crisis or a deadlock of a decision between the different scales. The product of rescaling was either another crisis, scalar tensions or resolution of the crisis, but the power shift kept the momentum flowing. Institutionalized governance policy and procedures are based on previous episodes of trial and error. When governance encounters an uncharted territory; disagreements, conflict and crisis are imperative.

What's important is firstly, that their dissent should be dealt with in the bounds of civility and political deliberation for an effective deliberation of the problem at hand. Secondly, after the occurrence of rescaling an official method should be highlighted and streamlined to counter a future reoccurrence of the crisis. It is recommended that an institutionalized structure should exist where stakeholders from all scales deliberate for the conflict resolution and such methodologies are streamlined into official policy and procedures. Power is distributed in different scales because every scale has its own competencies and drawbacks and should be utilized for the benefit of the overall governance system. This is an imperative need for Islamabad, as the local scale is not involved any of the proceedings regarding the Afghans in the city. A space where what the policy entails is decided mutually but its implemented is done accordance with the relevant capacity of the scale. Involvement from the migrants themselves is also necessary as they should be given the chance to present their own interests and needs so the policies made are not disjunct from the realities of the migrants. Less stringent laws and policies should be put in place that encourage the migrants to come forward and participate at this forum.

In line with these recommendations the World House lobbying the politicians model can be used as an initial phase for preliminary deliberations with all the stakeholders. This ensures the participation of the non-state actors that have the capacity to be critical of the state mechanism and also provide a safe space for the migrants to participate.

It is my hope that these policy recommendations will guide the way forward, for a more sensitive and sustainable solution for the migration and refugee management in the coming years. While this original study has charted previously unknown territory in terms of scholarship, it is but a drop in the ocean. The work has only yet begun, and many advances can be made by expanding the remit of this study to related fields, such as development studies, architecture and urban design, political science etc. It is not only important, but imperative, that this work be continued, if we are to remain true to our humanity, to what truly makes us human. I hope this study will pave the way for many such to follow.

Appendix

List of Abbreviations

ASKV	Steunpunt Vluchtelingen (NGO)
AWP	Awami Workers Party
BBB	Bed Bath and Bread
CCAR	Chief Commisionerate of Afghan Refugees
CDA	Capital Development Authority
CEC	Conference of European Churches
COA	Central Agency for the Reception of Asylum
CRvB	Central Council of Appeals
DT&V	Repatriation and Departure Service
ECHR	European Convention on Human Rights
ESC	European Social Charter
ESRB	European Committee of Social Rights
GoA	Government of Afghanistan
GoP	Government of Pakistan
HRW	Human Rights Watch
ICT	Islamabad Capital Territory
IND	Immigration and Naturalisation Service
IHC	Islamabad High Court
IOM	International Organization for Migration
INGO	international non-governmental organization
IVESCR	International Convention on Economic, Social and Cultural Rights
LVV	Local alien provision
MoFA	Ministry of Foreign Affairs
MOI	Ministry of Interior
MoRR	Ministry of Refugees and Repatriations

NAP	National Action Plan
PICUM	Platform for International Cooperation on Undocumented Migrants
RAHA	Refugee Affected and Hosting Areas
RSD	Refugee Status Determination
MSAFRON	Ministry of States & Frontier Regions Division
SHARP	Society for Human Rights and Prisoners' Aid
SSAR	Solutions Strategy for Afghan Refugees
UNHCR	The UN Refugee Agency
VBL	Freedom Restricting Facility
WZH	We Are Here

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List of Interviews and scheme

Islamabad

	Organization	Category	Code	Designation
1	UNHCR	International	I1	Protection Officer
2	IOM	International	I3	Senior Programme Coordinator
3	NADRA	National	N2	Project Director
4	MOI	National	N3	Project Coordinator
5	SAFRON/ CCAR	National	N4	Chief Commissioner
7	MoFA	National	N5	Director
8	CDA	Local/ Urban	L2	Director Regional Planning
9	CDA	Local/ Urban	L3	Deputy Secretary
10	ICT	Local/ Urban	L4	Director Municipal Administration
11	PHF	NGO	P7	Membership and Partnership Coordinator
12	SHARP	NGO	P8	Founder/ Head
13	SHARP	NGO	P9	Project Coordinator

Amsterdam

	Organization	Category	Code	Designation
1	City Council of Amsterdam	Local	L1	Program Director for Foreign Policy at the City of Amsterdam
2	Wereldhuis	NGO	P1	Activity Coordinator
3	Wereldhuis	NGO	P2	Strategic Designer
4	Doctor at BBB in Leiden	BBB	P3	Head doctor
5	HVO-Querido/ BBB at Walborg	BBB/ NGO	P4	Coordinator
6	ACVZ	Private organization	P5	Policy Coordinator
7	WZH	Migrant group	A1	Activist
8	WZH	Migrant group	A2	Activist
9	Migrant	Migrant	A3	Migrant

Transcriptions

Interview with L1

S: What is the role of UNHCR?

L1: Unhcr, like any other humanitarian agency is working in Pakistan upon the invitation of the country and there is a strategy for the Afghan refugees that is endorsed by the government, if you do not have it will be very useful it is the policy document that shows the work for Afghan refugees by the Pakistan government and the UNHCR. There are also a number of policy documents that can be implemented in some countries but not in others because we always take into account the national context as in all the countries that we work we work with the government not against the government and I think this is also where the big challenge generally speaking for us is generally, for instance there were elections in Romania my country so you build relationships with the government that is changing every now and then and depending on the political agenda that may or may not influence the policy on the refugees in the country. As I said earlier that I think that Pakistan has been very generous in terms of hosting the Afghan refugees and I think up until recently Pakistan was hosting the largest number of refugees in the world. Now it is hosting the largest protracted number of refugees and it puts Pakistan very high in terms of champions and respect of human right and the burden sharing on the plight of refugees. Now UNHCR is always interested in developing and improving the situation the legal regime the situation of the persons of concern. I not only talk about Afghan but also people from Somalia, Iran, Iraq are also seeking protection. But Afghans the largest and the most visible. As you also know UNHCR is also not a political organization per se. So basically everything that we do is in line with our statute that is the Geneva Convention of 1951 and about refugees and we are very happy to provide technical assistance to the government for instance to deliver a refugee law that might not only be beneficial not only for the refugees but also for the GoP you know having the legal framework is always useful in any of the areas that we are talking about. Now what the law will regulate when it come to the legal status, the procedures for recognition, minimal socio economic rights and so on this is again subject to the sovereign right of the country to decide. UNHCR is there to guide any government to bring any legislation closer in line with the international stature which is the 1951 geneva convention. now, if you look at the Geneva Convention most of the articles in the convention except article 1 talks about the rights and obligations of refugees it is interesting it is not a convention about how to recognize a refugee but it is more a convention about how to treat a refugee and what are the minimum socio-economic rights that should be granted to a refugee including for example better treatment or preferential treatment when it comes to acquiring nationality. In my group on the some of the participants were talking about the Pakistani legislation on foreigners and the NATuralization and they were talking about granting citizenship to the Afghans who are here which i think is a huge step and but it is also National sovereignty. When it comes to granting nationality it is the sovereign right of the state to decide. So our advocay effort are more into having a National refugee law than granting Nationality to the Afghans. Sure that would be great but it is again the sovereign right of the state. I think having a refugee law is also on the political agenda of the government of Pakistan as far as I understand as well as the finding the best ways to manage the Afghans in Pakistan to have a border management system to have entry system

that will regulate the lawful entry of Afghans so i think that the government of Pakistan is moving maybe towards the European model and personally I think that it would be great for Pakistan to look into some of the good practice countries in Europe that are not traditionally migration countries so I am not talking about Germany, Denmark or Sweden that are champions when it comes to this but I am taking more like Eastern Europe like my country (Romania) we started late and I also think that it would be very good for you to have some focus group discussions to use what we call the age gender diversity approach, talk to women, youth, men, teenagers for example some born in Pakistan never been to Afghanistan but still having the very strange feeling of not being wanted because they are basically not Pakistanis. Afghans have a great potential as people in Pakistan.

There was a initiative with the Afghan youth together with Pakistani youth because at the end of the day you might have best friendships between the Afghans and the Pakistanis.

S: How does the difference in the terminology of the 'refugees'/'migrants' has it given rise to some kind of problems?

I1: I dont think there is a difference in approach because basically we have the por card holders we have the non por card holders and those who do not have a por card are considered unregistered not neccessarily undocumented because they may have tazkaras or passports. For us the approach has changed basically till last year we were doing individually RSD meaning the asylum procedure and resettlement for those that were fulfilling the criteria. Now we are moving towards enhanced registration urban outreach and community based protection meaning that we have a mechanism to identify among the Afghan that are approaching us or our partners who might be those that might qualify as being asylum seekers and those that are screened in through this mechanism are registered as asylum seekers with UNHCR and they are subsequently assisted.

S: What is the process of getting the asylum?

I1: Well it is quite a complex process, somebody approaching us or the partners saying I am a reugee will have to submit an asylum application and will have to go through a screening interview. The claim and the supporting documents are assessed by a panel who applies the criteria by the 1951 Geneva Convention and UNHCR statehood in that particular case and the case can be screened in or screened out. if the case is screened out it means that the person is not eligible, if it is screened in it means that it fulfills the criteria and then it goes through for enhanced registration and subsequent assistance. The enhanced registration also comprises of documentation issuing a asylum seeking certificate. The government of Pakistan is aware of the documents that UNHCR issues based on its mandates and it is also supportive when it comes to our projects and our activities.

S: So once these people get the asylum status do they get the PoR card? Or a different kind of identification?

I1: No, as i said they are issued an asylum seeking certificate that states in english and in urdu what is the legal status of these people that they are registered with unhcr as asylum seekers. that they are considered persons of concern that they should be protected especially against

reforma which means sending them back to their countries and this is basically the status that they have with UNHCR in Pakistan.

S: how many of these have you processed? Is there some kind of study or statistics on it?

I1: errr....we have a number about 1000 cases that are pending at the end of 2016, meaning around 3000 people. So, we will see how it will this year will go if we will have an increased number of people approaching us. Or if we have less people approaching us because a lot of people will be voluntarily repatriating. In any case for voluntary repatriation purposes our projects support those with por cards or with refugee cards issued by UNHCR so we cannot support those that are undocumented those are normally assisted by IOM and we are not supporting those who are expelled or so. We are very faithful to our statute and we can only assist according to all the agreements that we have, only that are considered prima facie refugees those would be the por card holders or unhcr mandate refugees.

S: While you conducting this asylum, process is the government of Pakistan involved in any of the process?

I1: no, they are not involved in any matter. It is all UNHCR it is something that is conducted with our statute.

S: You also mentioned that you provide some assistance in terms of making policies, some kind of a legal system, how is that done? is there a particular department?

I1: everything UNHCR does is protection and advocacy. hahaha but we also work with things on education we have the community based protection work. And we work as a team so i cannot say that there is a particular department that is responsible for this. So for instance within the protection unit we have a legal unit we also have a collising operations or in the executive office that delivers some of their partocracy issues so basically it is the work of the entire office.

What kind of agendas do you advocate for?

What specific measures have been taken for the formulation of a refugee law in Pakistan on the front of the UNHCR? Have their been specific meetings deliberations etc. what has been the result of it?

S: And what department of the government of Pakistan do you deal with?

I1: Ministry of Saffron is our main counter part.

S: And what kind of legal assistance do you give them? do u have meetings?

I1: We have regular meetings on regular issues that are of common interst, ofcourse there are also meeting on the prolongation of the por card. The status of the draft refugee law are we going to have a refugee law or not? there are regular meetings on you know access to education access to certain rights well i think in terms of how we work with the government of Pakistan is in many ways how we work with governments in many other countries.

S: Do you think there is going to be a refugee law in Pakistan any time soon?

I1: InshAllah! this is what we hope, lets see.

S: What has the role of UNHCR in the tripartite agreement? In what capacity are you involved?

I1: We are part of it! apart from being part of it we are the main we were erm we are actively pursuing the regular meetings, we host the meetings we contemplate a continuous open dialogue between the three partiesparties. It is important and the framework provided by us is beneficial for both countries as well as for UNHCR persons of concern.

S: Is it a smooth process? Or is there some kind of disagreements and conflict?

I1: No, no i think everybody is very willing to make it work and and to work together and i would not say that there are any issues. I would not talk about mediation, it is more about partnership. So I would see it more as partnership than anything else.

S: Is there some other kind of partnership/ coordination that happens with the Afghan government related to the projects that are happening within Pakistan?

I1: Only the foreign office in Afghanistan and normally UNHCR has territorial competency so we are responsible for our projects in Pakistan while UNHCR office in Afghanistan is responsible for what is happening in Afghanistan. This tripartite agreement meetings is the project that has a cross border component we discuss issues of common interest for normal refugees that means host countries. Ofcourse we also work closely with our office in Afghanistan and we coordinate our interventions and assistance and compare figures. It is a very open dialogue and cooperation.

S: What has been the role of UNHCR in the granting of the PoR?

I1: Well probably historically speaking I was not here but my understanding of knowing the policy of UNHCR is that it was the decision of the government of Pakistan to go for the comprehensive registration exercise of Afghans in Pakistan because at the end of the day, because it is both a right and an obligation of the government to know who is on its territory and if I am not mistaken UNHCR has contributed to developing the system, to the mass information of the activities to issuing the card, including financially. So it was a partnership we are together in good and in bad time.

S: Does UNHCR assist people with the process of Naturalization?

I1: Generally speaking yes, and it is one of the durable solutions that we are promoting and you are going to have very intersting answers to this question also in Europe where we are actively pursuing Naturalization for refugees and we are pushing the governments to a top legislation that is not favorable for the refugees in terms of the conditions but not in Pakistan.

S: It is interesting to see how everyone has a similar estimation of the undocumented Afghans which is about 1 million Afghans, how does UNHCR estimate this number?

I1: It is very difficult to give a figure as these people are undocumented. I have heard safron say 1 million, i think anybody jumping into an estimation must be terribly wrong.

S: Is there some kind of a research/ study that has elaborated on the study of Afghan's contribution to the economy of Pakistan?

I1: There were so many reports done on Afghans in Pakistan, there was a lot of mention of the economic contribution in the workshop, or the impact of having all Afghans out of Pakistan. But I cant name I am sure you will find a wealth of report.

S: UNHCR has a exit strategy related to the Health projects for the Afghans in Pakistan and is managed by the government of Pakistan now, how far is that true?

I1: I cannot deny nor confirm this, as far as I know there are still some health programs not at the scale that we used to have because in terms of funding UNHCR generally speaking but in Pakistan is depending on contributions from the donor countries and it might be that we prioritized funding for some the most vulnerable cases but i dont think that we totally gave up.

S: Are there other departments or projectss that UNHCR has a exit strategy?

I1: UNHCR is as somebody used to say is an anomaly in the sense that we should not exist but as long as refugees exist we will exist. In terms of exit strategies that its work should be towards the governments but not taking over the full responsibilities of the refugees. Unfortunately we are not out of many countries in Europe that are very legal for various reasons so in terms of exit startegies there are prioritization exercises that we have to make every year in order to best respond within the allocated resources to our most pressing needs to our person of nconcern and we are always doing our projects in close consultation with our persons of concern. It is a policy of UNHCR to involve refugees and asylum seekers in a and manner in everything that we are doing? So erm there might be reduced assistance in certain areas we may phase out from certain areas just because generally now the government stepped in or took over part of the assistance or simply that the need is no longer there. so this is how UNHCR generally works, as far as i know we are not shutting down any of the areas that we have been working along the years in Pakistan in the worst case scenario we may reduce funding, but not shutting down.

S: What are some of the NGOs that you collaborate with?

I1: We have implementing partners and operational partners. Implementing partners are SACH, SHARP ICMC but they might have also other implementing partners in the projects that we are working with. these are the protection partners if you want. in terms of operational partners un sister agencies and their partners as well but we are now in the process of comprehensive mapping of ngos and international organizations who may provide support to Afgahns as well and I am sure that it is quite a number.

S: Who would know about the 2009 relocation project? And the 2015 eviction?

I1: email and i can put you in touch with them.

Interview with N2

N:there was not a single document bfore the PoR, not for us not for them

Me: organizational structure of NADRA, under which organization does it fall under

N: it is an autonomous body which through a presidential ordinance in 1999. It comes under the MOI of Pakistan. since it is an autonomous body it is responsible for its own expenditure, revenues. It is also the registrar general of Pakistan, which means that he is the authority to issue the ID card. this was established in 1971 and was called directorate general of registration DGR, still under the ministry of interior. Pioneer was Zulfikar Ali Bhutto.

Me: so at this point are you answerable to the ministry of Interior?

N: yes, by 1999 DGR merged with the NADRA, DGR closed as an operational entity and NADRA took over its function. so then NADRA started making the registration documents. at the time DGR was a signatory of the ID cards and now chairman NADRA does it.

Me: with regards to the POR what other organizations within the ministry or the GoP do you partner with or are linked with in terms of finances etc.

N: in 2004 government of Afghanistan goP and UNHCR signed a tripartite agreement. The main purpose was to give the Afghan refugees a legal identity that was acceptable for both governments and for donor agencies. Against this MOU in 2005 UNHCR got a private company to do the census in all Pakistan (he did not know the name of the enterprise). they found that 3 million Afghan citizens live in Pakistan .

S: this was the first time that they were recognized?

N: they were recognized

S: but officially by the government?

N: No, but they was an acceptance, there was also no security situation for which they needed to be identified as Pakistani or Afghanis. There was also a stronger sense of brotherhood but now the situation has changed. But the Afghan refugees were also not vulnerable in terms of identity.

Under the tripartite agreement MoI and NADRA were not directly partners. With regards to the GoP we were partnered with the ministry of SAfron. they were directly part of the tripartite agreement. before NADRA since 1979 the management of was done by Commision of Afghan refugees under the ministry of SAFRON. before this there was no MoI, no NADRA behind Afghan management. From the Afghanistan government there was the MoRR. So the main parties in that tripartite agreement were the MoRR, SAFRON and UNHCR. So in light of this GoP engaged NADRA and then UNHCR had some push and pull factors that NADRA jump in to research all the Afghan citizens and give them asingle proof of identity in the form of PoR.

S: Since you have been issuing the ID cards are there other organizations that you partner or collaborate with inorder for this process to take place?

N: Not exactly, we have a contract with UNHCR Pakistan directly. we sign an annual agreement with UNHCR and we execute whatever we agree into our plan.

S: What does this contract entail? What kind of responsibilities/ tasks?

N: the deliverables by UNHCR and NADRA, then the financial matters of course. Then liabilities for both parties how to use the information.

S: is the contract confidential?

N: Yes

S: Could you tell me some more about the contract perhaps, what kind of responsibilities are assigned?

N: Let me brief you first as to what NADRA has been doing and that will make it easier for you to make the link. Our first contract was in 2006 to register and PoR cards all over Pakistan. So we signed a contract that NADRA they would use their software and use their equipment and construct the database. This was funded by UNHCR. In the entire process of registration and the granting of PoR cards there was no funding by the GoP in the last ten years. All finances came directly from UNHCR Islamabad. So in 2006 based on that family based survey that they had previously done we utilized the legacy database we started researching individuals and families. The pilot was launched in Chitral and Rahim yar Khan. That was in 15th august 2006 when the first card was produced. Our understanding was that we will employ 60 registration points in Pakistan and register the Afghans however when we got on the ground and saw the position of the camps and saw the scattered Afghans because what was reported was not what the situation was. it was reported that 70-75% Afghans were living in camps but that was not the actual case so we shifted our implementation plan. Across Pakistan we made 168 registration centers were employed for a period of 5 months and we registered 2.15 million Afghans within the period from sep 2006 to feb 2007. 2.15 million Afghan citizens were identified and were issued PoR cards. The children's id was present on the parent's cards backside. I can show you a sample card.

The material that we are using is the same as the NICs, the same level of security that comes with it. It is the most secure facility available in the world, we are giving them a unique number in the form of registration marking in that; their full name, father name and we are also using a family ID so every person who is part of the same family has the same family ID. So from this we can always trace them. how many are they, how have they have been modified and how have their particulars been changed in the last ten years. So we are also writing here, the province and the district in Afghanistan so from where they came here and in Pakistan they are also recording their province district and tehsil. there is a picture which has multiple security pictures within it. now this lady has two children which is printed at the back side of the card. It will be printed on only one parents side. We do not repeat the information as it will duplicate the information.

S: What do the ones of Islamabad look like?

N: The province, district and tehsil is Islamabad. Going back to what we were talking about in total we produced 1.75 million cards were produced. the remaining kids were registered with the parents these were the cards that were in circulation. In this entire exercise the stakeholders that we had were the CCAR, Dr. Imran Zeb's team they used to cater to verification and validation; they made sure that the mister Azmat ullah coming is the same man from the census.

S: How was this done?

N: they have been managing these people since 1979. It was human knowledge, they had also issued multiple documents, they basically knew that the BHU card is the one that they issued or not!

S: what is BHU?

N: Basic health unit, these were cards given by unhcR at the camps. So all of this was managed by CCAR.

S: So there was a mode of trying to verify their identity before the PoR?

N: exactly, there was the BHU, the Afghan passport, birth certificates. Any educational document from Afghanistan/ Pakistan was also entertained. These were also used. In addition the MoRR that used to issue an interim document was also issued.

So all the arrangements that we did was part of the contract with UNHCR. So it will give issue this many applications, will give all the equipment, human resources, will give a certain amount of training for the employees to UNHCR and the refugees, what will be the implementation plan, (0:05:34) what the schedule is going to be was all part of the agreement. The cards that we issued in 2006 at the time the legal stay for these people was till dec 31 2009. During this entire process unhcR was also doing voluntary repatriation without the cards and they were also going. but there was no real border control, so it was reported that many of these Afghans came back.

S: you say that they come back, the term used is 'recycling' is there a way to monitor that? is there a way to verify it or is it just assumed that they come back.

N: No it is a combo of both things, unhcR has done a task in 2003 where they used to scan iris's to verify the identity of the people. this was locked at the center, which was verified at the border, so when they come back to the repatriation center they do not get the grant.

S: they dont get the grant, they still enter the country?

N: Yes! and they can live easily in Pakistan. and they already have their families and their networks (and this also means that they will be scared of registering again)

I will tell you, I have been part of this from the beginning from 2006. In 2007 feb the GoP gave the initiative by giving grants to the Afghans to repatriate. So we witnessed the lines at Hyattabad, there were lines for kms of trucks and it looked like the Afghans would just diminish in numbers. This was the first time that the GoP was giving grants and the Afghans availed it and went back. But then it was reported to us later, that the trucks were just hired for making U-turns. The truck used to pick them up because they had to show that they were going back but then the same road used to bring them back and brought them to Peshawar. So they were doing it for the money. So after 30 days this program was suspended. At the sametime the unhcR requested us in emergencies that we apply our systems in the repatriation systems. so that the biometrics that we acquired in the database they should be used. so that they can adequately identify the people and then they also started cutting the cards, this policy was implemented. in 2007 a new mechanism was employed which was the VRA (Voluntary repatriation of Afghans).

that is another project. in this project we employed our system on two border sites in Peshawar and Quetta. So whoever came, repatriation was not allowed without PoR card (which means that even those that wanted to go back were stuck in Paksitan with the fear that they dont have the PoR cards). Because after 2006 the message was given to all the stakeholders that all those Afghan citizens who have the PoR card have the legal status to live in Paksitan, others are not legal, but there was no action/ legal activity against them. The PoR card was issued particularly to give them a legal status.

S: Legal status as what?

N: the card is valid throughout Paksitan and allows the holder to stay in Pakistan through Dec 2015. It is tricky in Pakistan we have not signed the Geneva convention so they cannot host them. But we have the Afghans, thats why we call them Afghan citizens not refugees. So it is only the proof of living in Pakistan that they PoR card entitles them to and they can earn their livelihood anywhere in Pakistan.

S: What is the official label of the Afghans without the PoRs?

N: They are just illegal Afghans and when they get the PoR their is no official status for them, those cards are only used for the legal stay in Pakistan until that expiry date.

S: But what would their status be, because before they were illegal and now the PoR card legitimizes their presence so what would their label/ stus be now?

N: We do not label them! We would call them registered Afghan citizens living in Pakistan, and those that do not carry them are called non registered.

S: Can we also call them illegal?

N: Yes, we can they are illegal. They are illegal migrants.

S: So we started the repatriation, so whoever would come for to be repatriated we would match their biometric data if it is the same person or not and we would cut their card from the side, so there is a difference between the non-repatriated and the repatriated. So tomorrow if they come back to Pakistan, they have to show that card at the center in Afghanistan so they can receive the money once they get to the soil of Afghanistan. These centers thrived as the trend for repatriation continued. In 2008 there was a problem that there were new children that were being born, the children that were registered at the backside of the PoR were now older than 5 years, so when we recorded the infrmation from the centers we saw that there was a change in the demographics, some were married, there was some mistake in the name, so they wanted to change it or they lost it. The name of our project was ANR (Afghan National Registration) the output name was PoR. So in May 2008 we started the PoR Card Modification Project (PCMP) was launched. In all the provincial capitals we established a permanent center where the people used to come to register their child, to convert their under 5 child to be a PoR holder, and the mother's/ father's card was modified. So the cards that were issued in 2006 were expired in 31st dec 2009.

S: So all these decisions of when the card will be renewed, expired etc, where are all these decisions coming from?

N: they are coming from the ministry of Safron through PM office.

S: So NADRA is an institute that implements all of these policies?

N: In terms of technical solutions

S: Please continue

N: In dec 2009 the card expired, the GoP gave the extension for three more years. So the need was that the PoR card that were issued were plastic based cards, their life was also little. There was also the problem of printing the cards. So then we converted the technology and we got teflon based cards, before that they were plastic based. The opportunity that teflon gave us was that we could print it decentralized so since we had to go the camps and distribute the cards on the spot so testing technology was not made for that. We also realized we should improve the quality of the biometry. NADRA has been improving its technology. In 2009 we did an exercise which was called Secure Card for Afghan Citizens (SCAC). Against that all registered minus the repatriated we issued new PoR cards to the afghan citizens with their latest photos and biometrics. Parallely repatriation was continuing. In between we did this re validation exercise for six months from aug 2010 to march 2011 all the cards were replaced.

S: So all this process that is happening I am assuming there is a central database of the Afghan data, where is that database? and UNHCR is funding it?

N: In NADRA and UNHCR has direct access to it.

S: So the repatriation centers are run by by UNHCR, so the data from there that comes also feeds into your database?

N: Yes, the machines that are installed there are directly linked to our database in our headquarter. They have access to all the data for reporting and controlling purposes. Another important thing in this exercise is that the people that were missed out from 2006, relatives of other Afghan came and asked to be registered. So we opened a window within that exercise to register unregistered members of the family, we keep the case load for upto 200,000 (this was an estimated number) based on the applications and assessment of CCAR. So we captioned it level 1 relative are allowed to be registered under that category. Level 1 means first relation, brothers, sisters, spouses, parents, children. Against this window we got 180,000 people entered. Why is this important, because in the last ten years this direct insertion was the only window that opened for 8 months. Other than this no elders can register themselves, they cannot get PoR cards. The window is open for under 5 year olds but for elders there has been no other opportunity.

S: Why could the adults/ elders (above 5) not registered?

N: there was a policy by CCAR and UNHCR itself because it would ever open again then it was estimated that Afghan population from Afghanistan would come over here, it was feared that the Afghan citizens would come to Paksitan just to avail the opportunity of the card. As there

was a very comprehensive MAss publi information campaign was done in 2006. They even reached the grass root level, they had the Maliks, they involved the Afghan elders that everyone should get registered. That window was for six months and was enlugh time. Because NADRA registration instruments those were present at their doorstep in the form of mobile station vans. There was not a chance that the person could not have been registered unless and until the person was in Jail, or the hospital. this was in 2010, but no complaints reached NADRA from. So in 2012 this card expired again, so instead of another mega complete research exercise we opted for another model, just to give a new card with a new expiry date. Since we have the database, the data and the biometrics then what is the need to spend more money to have another research execerices for the data that we already have. We has another exercise to produce new cards from the same data. This was called the SCAC II exercise in 2013; Registered less Repatriated people'd card was produced in bulk 1.4 million. Then across Pakistan we launched 26 distrtution centers and again with support of other stakeholders the new cards were distributed and the older cards were taken back. Any one family member could take the card for the entire family, instead of calling individuals.

S: Why did the intention change within 3 years if the government did not want the Afghans to come, why was SCAC II done?

N: This window could not have opened for them because only the previous card holders could get a new card, and whoever would come to collect the card their biometric was also matched before handing off the new cards.

S: So this was a card renewal not issuing of new cards? What about the new people that are coming into Pakistan, they are not allowed to register? What happens to the new people that come to Pakistan?

N: They cannot register, they cannot get the PoR card. The new people never stopped, we registered people in 2006 but the people who came in 2007 were not registered. In 2010 the window that was opened was also for the relatives of the Afghan nationals, who could prove that they were in Pakistan while we were registering.

We called this category UMRf, UMRf centers were 9 separate centers across Pakistan and the officials of UNHCR used to sit there themselves. First the verification was done by CCAR then UNHCR used to validate it, and interview them. There was a committe formed by CCAR, UNHCR and MORR Afghanistan. These three representative decides whether this person was a relative or not, upon their confirmation then they would be allowed to get the card and NADRA would register them. From that point NADRA system triggers.

S: What happened after 2013?

N2: the cards that we issued the expiry date for that was 2015. and in 2015 the political situation changed so the gov still had allwed to stay here. all the agencies/ organizations were made aware that they are allowed to use the old card with the old expiry and remain in the country. But they are carrying the notification by the PM office, it is in the form of a paper? that is a formal notification issued to all stakeholders.

S: what does the PoR entitle them to?

N2: they can live across pakistan and earn their livelihood, they can apply for a job, but privately not government. They can do their own business, they are a lot in education, they are in medical universities.

S: can they own property?

N2: no, but they lived in good rental places, the land lord had to go the police station then they used to issue them a NOC then they could rent. that was the proper rule, but otherwise everything works. But they are running successful businesses in a lot of places.

S: How effectively has it worked? was there a way to monitor that?

N2: no there is not!

S: What happens to the 3% who's biometric does not match?

N2: CCAR try to verify it through their interview process

S: What happens to the new people that come into Afghanistan? the new Afghans? They cannot be issued the PoR card, they will be illegal and stay illegal?

N2; look, they are all illegal, there also people coming in from India, bangladesh, china. They fall into the category of illegal. If the Afghans are more in proportion it does not give them any liberty to give them this status. They are all illegal. But since we have had a higher acceptability in the frontier provinces so they can adjust there and Pakistan ends up hosting them. But that happens informally.

So there is no way to legalize the illegalized Afghans that are coming into Pakistan.

The legal window we have is to come through visa. they want to study here, they go the embassy they get the visa and they come here and a lot of people do it. that is a legal way available to them.

S: is there some other initiative from the government of trying to regulate the people who dont have a visa/ PoR? the people who live in the Kachi Abadis, there the ones who contribute to the illegality and the evictions of i11, they were the target and they were the ones that were nt registered?

N2: for this there was an exercise between NADRA and Safron to register all the unregistered Afghans in PAKistan in 2015. All the nregistered Afghans to be registered just for the identification purposes, not becuase it entitles them to anything, and in reverse the way that it benefits those illegal Afghans citizens are imposters for the NIC. they will try to get the Pakistani NIC, but legally you are not allowed to do that. somehow they get the documents, but that is cheating the system, so discourage the cheating we had the window to register them but it is still pending. It is in the works, the plans and implementation strategy has been made. They will get the Afghan citizens card, it will be differet, this PoR card is controlled and funded by UNHCR and the other card that is funded and managed by the government of Pakistan.

NARA helps as a implementation partner and a solution provider. But not in a matter related to the policy.

S: What were the factors that discourages people from registering in the beginning of the registration process?

N2: there was camp in the surrounding of Peshawar, there was an attack on the camp. They published pamphlets that they card makers and the issuers are all non believers, it was a Islamist regime in that particular district of Nowshera. why should the women be made to give their photographs, even though we had women photographers.

Amongst other factors was also that they had been living there for 30 years why do they need the PoR cards now, there was some resistance those who attained the NIC before 2006 they also moved to the sides as they also had an idea that we have the NIC why do we need the PoR, those that were in transition/ or had the intentions to get the NIC also moved to the sides. The NICs that they had got them illegally. Then it was on the government of NADRA on how to deal with that so they initiated a NIC verifying exercise. in the same way there have been multiple exercises in which we can verify the trail, then we can suspend the NIC. How many cases? NO i cannot quote it.

S: What kind of relationship do you have with the UNHCR? they assist you financially?

N: with the PoR cards yes. we have a contract with them that is renewed every year. They depend on us for the database of the PoR that we have we are the hub of it, but we have a very good relationship. We also register the refugees in Nigeria with our PoR card system technology through UNHCR. 80% were reported to be living outside of the camps, so we have that data locked till the tehsil levels. then we have the window for the addresses but it was not of much importance to us so we didn't pursue it further. we have camp non camp, we also have the nearby location. but we limit it to the tehsil,

Interview with N3

Jehanzaib Gaddafi, s/o passport and citizenship

N: just give the official information about which we are absolutely sure, wherever there is confusion you should ask me.

J: the naturalization is done for non commonwealth, for the commonwealth there is the citizenship, there is the Pakistan citizenship act 1931. Naturalization Act is 1926 through this we entertain the members that are not members of the commonwealth nations, the major are the Afghan nationals. In addition there is Iraq, Syria, Palestine. The process is that the naturalization act of 26, it is given by the section 3 and 4. these sections basically give the requirement which is that the person who applies for it he should have been staying in Pakistan for the period of not

less than four years in the last seven years. this is section 3c of naturalization act 1926, after which there are some requirements.

Me: so the period that you mentioned the person who is applying needs to be living in Pakistan legally, so the Afghans with the PoR or without them are they eligible?

J: No, he should have a passport, it is not done over the PoR card. at the moment according to the policies this is the procedure and requirements that we follow. Nobody has applied to us with the PoR cards so either, but the situation is that the Afghans nationals only females who are married to Pakistani they will apply for Nationality. When you get to the point of the Afghan nationals the case changes completely. Now the position is that the afghan nationals got citizenship with the Naturalization Act till the time of 2009 and 2010 after which we have not processed their cases.

Me: Why is that?

J: For this question we will have to refer to madam Naila. For the time being only Afghan ladies that are married to Pakistani men their cases are processed but not through Naturalization Act, but through Pakistan Citizenship Act 1951. There is no differentiation between the commonwealth and the non commonwealth. That is section 10 (2) of the Pakistan Citizenship Act according to which only the ladies who are the nationals of Afghanistan and have a valid Afghan passport and valid visa from Pakistan they are entitled to apply for Pakistan Nationality provided that they are married to a Pakistani man.

Me: But it does not work the other way around, a man cannot become a citizen if his wife is Pakistani?

J: No, he cannot apply on that basis. Even not only for Afghans, this rule applies to all nationalities. He is not entitled for applying to an Pakistani citizenship. The male will have to apply for the Pakistani Nationality regarding commonwealth and non commonwealth criteria, if he is a commonwealth he will apply to nationality according to Pakistan citizenship act 1951. he will have to apply against a foreign exchange transfer of 50 lakhs pakistani rupees. If he is not a commonwealth citizen then he will apply according to the Naturalization Act 1926. But when we distinguish it towards the Afghan citizens the situation is that we are not processing it beyond 2009 and 2010.

Me: The Naturalization Act is from 1926, before the Pakistan constitution came into being?

J: we have not converted it. We made the Citizenship Act in 1951 and then there is the Citizenship rules from 1952, we follow these. Naturalization is basically for non commonwealth, but the cases are very rare. So this is the main reason why there is no rule on what to do if such a situation arises.

Me: what is the difference between the 1951 act and the 1952 rules?

J: Rules are made to explain the position that is given in the act. None of the clauses change it is just an explanation and further elaboration. For example the act in section 10/2 says a foreigner woman can get Pakistan citizenship but the 1052 rules may tell us the procedure, they will give us the forms, performas and the details for the process.

Me: So this entire process is done by Ministry of Interior?

J: The process of citizenship for the foreigner ladies can apply for nationality in the MOI, the home department, in directorate general administration, the major places for applications are the regional passport offices, so for example in Lahore, Karachi, Quetta. Naturalization can only be applied in the MOI and citizenship cases of section 20 which is against foreign exchange scheme can also only be done MOI. So only the ladies who are applying for nationality can under section 10(2) under the citizenship act can they apply for citizenship can apply in the major passport office in their area, home departments and the MOI.

Me: what are the home departments?

J: they are the office the provincial deputy commissioner and the office of the chief secretary of the provincial administration. The purpose is to facilitate the lady, she should not be coming all the way to Islamabad. The process is quite lengthy, after she applies, the case is referred to the security agencies and after that they give their feedback and during that period her visa is extended by the place where she has applied. Once the reports are collected and the aggregate period of 5 years stay that she has done in Pakistan then the case is approved then she is given the Pakistan citizenship certificate, which is the first towards the CNIC.

Me: what are the security agencies that you refer the cases to?

J: We do not want to disclose them.

Me: What is the process for the Afghans to get a Pakistani visas?

J: the person who has applied for nationalities they get visa from the place that they have applied for the case of women under the section 10/2. if they have applied in the MOI we will give them visas after getting approval from the competent authority that might be sometime before the joint secretary now it is the additional secretary and secretary interior.

Me: What is someone just wants a regular visa? I am particularly referring to Afghans.

J: There is a cell, there is the political section 1 they have some requirements such as passports etc. according to the visa manual which is available online.

Me: Can i get some more info/ statistics on how many people applied, how many got rejected?

J: not readily available. As it is being applied in different place, citizenship is also being given at the level of the regional passport offices.

Me: But how about just the Islamabad level?

J: that is the extension, we are now issuing visas in the MOI for only 45 days.

Me: So if someone already has a visa and wants it extended then they come to the cell in MOI and have their visas extended? So if they want a visa issued from scratch, what will they do?

J: From the missions in Afghanistan, they will bring their first visas from there.

Me: So if there is an Afghan who has come into the country without a passport and a valid visa, because there are such cases there are people who are staying here undocumented what happens to him. There are such defaulters whose paper work is not according to the requirements of the visa extension how are they dealt with?

N: those are dealt under the Foreigners Act 1946. Those are apprehended tried and convicted under the foreigners act. so whichever clause of the foreigners act is applicable they are then dealt with under that clause.

Me: Is there some statistics related to this on how many people have been naturalized?

J: you can get them, but they can be found at the passport and immigration office as the certificate is issued there.

Me: how does MOI deal with the undocumented Afghans?

O: the ministry of interior has decided that we are not going to register them, and thats it.

N: they have a certain timeframe through which they have to leave the country. they are getting the exit permit from the MOI and they are leaving the country.

Me: So in the meantime there is an undocumented Afghan and he does not want to go back, and gets caught by the local authorities what happens to him then?

N: We have decided that we will not register them and they eventually have to go back. and we have given them a certain deadline inorder for them to go back that is uptil dec 2017.so till that time we are giving them the time to go back and until that time they are allowed to stay and make efforts for them to go back. but after the deadline is expired and if it is not extended then obviously they will be treated under the foreigners act.

Me: How are they treated under the foreigner act? so this particular category of undocumented people?

N: that will be decided then, so many of them have obtained fake CNICs and passports then we will treat them accordingly, we will have to first find out if the documents that they are carrying if ther are genuine documents or did they obtain them ficticiously of whatever and in that light we will decide. Till now we are facilitating and helping them to move back.

Me: How exactly are you helping them? What is the particular role of the MOI?

O: We are not bothering them, or apprehending them. They are getting a passport from their embassies then they come to the MOI and get an exit permit. We are allowing them to go to their home countries.

Me: What does the exit permit do? What exactly is it?

O: if he has a valid passport only, within 15 days they get the permit to leave Pakistan.

Me: do you have any statistics on how many exit permits you are giving them?

O: not yet, but we are trying to compile the data.

Me: Do you deal with exit permits? Can you give me an estimate?

O: per day 10/ 15

Me: Since when?

O: more than six months.

Me: when would you say this has been the highest?

O: depends on a number of factors, for example now it is very cold in Afghanistan, so the number is reduced. and when the weather is good then the number rises.

Me: What is the process of deportation?

O: this is a provincial subject. the main thing is that unless he breaks any law of the country he is not apprehended and tried under the Foreigners Act 1946.

Me: If a person has apprehended the law and get caught by the police what happens?

O: then he has been arrested that then it is part of the tripartite agreement that he will be deported to his country.

Me: How does the deportation work?

O: the deportation starts with him being tried in court and then the person faces a penalty according to the punishment of the law that he has broken, for some its 2 weeks with others there is more, and then he is handed over the borders either through torkham or chaman. The recent Sherbat gulla case is very important. She was charged here and then she paid the fine, then the government sent her back.

Me: What was her offence? how was she charged?

O: She had obtained a fake CNIC. She has broken Pakistani law.

N: So these are two separate things, one is that you have not obtained the right documents which means that you are living illegally. The bigger offence than that you are living illegally and you have made fake National Identification Cards and fake documents and you have purchased

properties on that also. she did that, she was undocumented (O: which is nothing) but on top of that she has a fake CNIC.

Me: did she also own property?

O: just fake cnic

Me: How are the fake CNIC offenders filtered out of the system? how are they dealt with?

O: In the first instance around 3500, two months amnesty scheme from july 1st to august 30th of 2016. Meanwhile 3500 have voluntarily surrendered their CNIC's.

Me: what has happened to these people?

O: they have moved back to their country. they have either taken an exit permit from MOI or through UNHCR they have moved back. even then they need. Voluntarily over 200,000 people have gone back to their country in the last six months. Under the tripartite agreement they can go back, UNHCR is paying them 400\$. cnic figures have already been announced on the first friday of january 2017.

Me: What about the people who did not surrender their fake cnic's?

O: We suspected more than 80000 people have made fake cnic's. those are still under verification because we are going to decide once the verification has been completed.

Me: Who is involved in this process? Is it NADRA?

O: Security agencies that cannot be disclosed.

Me: So people who are caught with fake cnic's they are tried they need to pay a fine and then they are deported. They are deported after being detained and then they are sent to the borders.

O: The Afghans government issues them a travel permit. Like in the case of Sherbet gulla, the Afghan government was given a travel permit and she was moved back to her country.

Me: so the papers are then issued from Afghanistan government, Pakistan has nothing to do, but the Pakistani authorities escort them out of the country.

O: They are then liable to be handed over to the Afghan authorities. To do as they want with them.

Me: And this was not in the case of Sherbat gula, but all afghans being deported?

O: It is the same process

Me: Is there a plan to document/ register the undocumented Afghans in Pakistan?

O: NO!!!

Me: CCAR's heads that there was some plan of documenting these people but MOI said no.

O: Actually it is a mandate of this ministry to register them, but so far there is no plan to execute such a plan.

O: It is interesting that these people are not refugees, they are prima facie refugees. United nations recognized their status as prima facie refugees. GoP only issues them PoR cards that is a temporary stay they are living in Pakistan and having a PoR card they are only living here temporarily they have not got any status. even the status of the refugees is determined by the united nations but they did not declare them refugees according to their regulations.

Me: No they are not, but there is a conflict that exists as they are understood differently by the international UN definitions and the GoP.

O: The authority is the UN, they can do it but they did not do it. Not on the Afghan refugee, no one is given the refugee status. Because if they do given them the refugee status according to their resolution, then their status will be recognized all over the world.

In Pakistan with collaboration UN we gave them the PoR card as their status as per tripartite agreement in 2006 and they were registered after a survey they are about 1.5 million I think.

Me: Who did this survey?

O: NADRA! in 2006 to 2010 they were registered. And the tripartite agreement the signatories were ministry of safron, unhcr, MOI and NADRA is the executing agency to register the Afghans and keep the record. they were the ones that issued the por cards.

Me: Do you have some mediations with the IOM?

O: yes, UN has given a whole bunch of people their own cards, it claims the refugee status not only for Afghans but also other nationalities. IOM when they resettle them to other places such as Europe, American etc. then they particularly seek permission from the MOI, we do their security clearance and other things and then we allow them to settle in a third country. This is done with families and individuals.

Me: So the MOI is involved in the security clearance of the persons of concern?

O: Security yes, as they are living in Pakistan.

Me: Is MOI involved in any other process with reference to any other kind of activity that concerns the Afghans?

O: No, just to issue an exit permit.

Me: What does the exit permit look like, what does it entitle the person to do?

O: it is a permission letter, that these persons their particulars are so and so and the government, with the MOI allows them to leave the country.

Me: Do you do some kind of background check? What is the process of issuing it?

O: They have a prescribed form that they fill out, then their passport, then the third countries valid visa if it is applicable. Some people come themselves to the MOI, some case IOM sends to us directly. their particulars are then consulted with security agencies and then they are allowed to resettle to third countries.

Me: So resettlement is done by IOM not UNHCR?

O: yes, but on the direction of UNHCR. They are also giving the asylum seekers card.

Me: So is there some project in the pipeline to document the undocumented people, because i went through some policy papers and there was some mention of documenting it.

O: yes, there was a plan and SAFRON was looking after this but MOI has reservations and the final decision was taken here at the MOI that the undocumented Afghan will not be documented. Our stance is that they rapidly return!

Me: So there are two things; one to document them to legitimize their stay in the country in some way, the second is to document them to understand this demographic to keep a record of them.

O: All provincial governments are working on this including AJK and they are responsible. Those that are living here they have the PoR cards (Me: but the undocumented ones are also living here) The ones that are undocumented will be tried as per law as they are illegal immigrants, our view point is that they are illegal immigrants and we do not want to document them. And right now the atmosphere is very great in their own country, they should go back.

Me: As far as I know, there is a lot of insistence from local NGOs and the UNHCR to document these people, not so they get permission to live in the country, but just to see who is living here in Pakistan. This would also facilitate the security situation to see where these people are living and what they are doing in the country. Would this kind of insistence bear fruit or would it just be in vain?

O: you should discuss this with Madam Naila. As there are reservations, there also reservations from the provincial governments. The reservation is so that they go back, because if they are not registered then they have to go back and be in a hurry. If they are registered they will be relaxed.

Me: So the Afghans who have a lot of properties and businesses in Pakistan, is there some kind of survey that documents what they do, where do they live?

O: Legally they cannot have properties as they are not Pakistanis.

Me: So if you find out that someone has a property in his/ her name would he be tried under the Foriegners Act.

O: Because he must have broken some law e.g. making a cnic. then his cnic is cancelled and then tried. even if the property is purchased under someone else's name.

Me: When these people come for an exit permit who have a lot business within Pakistan and they want to keep their business within Pakistan what do they do?

O: they can come back with a business visa

Me: Where is that issued from?

O: Pakistan consulates in Afghanistan.

Me: How long is the business visa?

O: maximum period is 5 years.

Me: But MOI does not issue any visas? they just extend it?

O: yes

Me: What kind of visa extension is it? and for how long

O: All kinds e.g. business, work, student, spouse. They are issued particularly for Afghans for 45 days. For students the visa is extended for the duration of their courses. And for spouses visa it is extended for one year. and business for 5 years.

Me: Is there some mediations do with the Afghan government?

N: no, safron does it, they are the lead ministry we may be a part of it but safron conducts the process.

Me: Does MOI have any role in policy making and ratification?

N: No, it mainly relates to the ministry of safron. They make the policies, we just help them with some data, info regarding the visas, and particular cases of the foreigners act etc. We only insist.

Me: So the main role of MOI is with regards to Afghans which is visa extension, exit permit and deportation and third country settlement with the IOM. And in terms of policy formulation you provide data to safron and your representatives go sit in the meetings when they are being discussed. Mostly secretary/ additional secretary attends the meetings.

Interview with N4

N4: No CCAR represents the country. we are M of SAFRON, deals with besides other subjects the subject of Afghan refugees. CCAR is the attached department of SAFRON, which means that im responsible to the ministry. So the policy flows down from SAFRON and i am the implementing arm for those policies. Then i work with 3 commissioners, peshawar and quetta and lahore.

Sindh we have a project director b/c we didnt have camps in sindh at all. The CCAR is then responsible for the entire country.

They give feedback, recommendations for policies and data collection also. They are all answerable to me and I am responsible to the SAFRON, then the minister is responsible to the cabinet and PM.

S: where the data comes from?

N4: from the provinces. the camps were established from the GoP so they know exactly where the camps are b/c we man them. It is commisionerate staff that is posted there, so we dont depend on anyone for any data. We man and control the camps, it is our people, the gov.s people + they belong to respective. Chief commisionerates. So the data is our own and then when you look at refugees all over the country that lies with NADRA. We and UNHCR have access to the data. But the custodian of the data is the GoP. UNHCR does not man the camps, they are present there they have funding there. schools, BHUs that they fund, but the administration of the camps, the security of the camps is all the responsibility of the gov not UNHCR.

UNHCR's role is under the UN general assembly mandate is to be responsible for the welfare of the refugees as a refugee. In Pak. they have been here since 1980. so they assist part of our expenditure. Our own expenditure are 60-65% the rest is UNHCR when dealing with refugees.! we work together as one team. They have their own mandate and we as a host country have our own policies under which we adminstration the refugees.

Repatriation has to be voluntary and has to be with dignity and honor. and thats what pakistan believes in and is also implementing we are not forcing anyone to return, whoever is a registered we honor their voluntary return. But while there are here in Pak we also have to manage them. Education, health come out to be very imp.

We have together agreed that we invest more in education. The reason is very clear the future generation in Afghanistan and Pak we need to give them value in terms of education and training. and sustain the environment where they live.

S: Have there been instances of disagreement with UNHCR?

N4: yes ofcourse but one thing i can tell you is that there have been no major disagreement but there have been instances where they have shown their concerns to certain policies that were being implemented, eg in KP there was a lot pressure that came on the unregistered populations that also impacted the registetred population so there were concerns raised on that. they come to us. Overall our relationship has been very good, UNHCR and Pak is more of a Pak team working with us we have no major disagreement on issues.

S;

In 1980 when the influx came Pak expected every Afghan that came as a Prima Facie. then later on in the 90s when repatriation occurred. UNHCR was going by mathematics. you had 3.2 mill

registered and something like 2.3 million returned. Then we had less than a million left, our own intelligence agencies were telling that we had more. So in 2005 we agreed to carry out a census, that was followed by a registration. The basic agreement we had with UNHCR was that these people will be registered as Afghan nationals in the country, not as refugees. Since then they are Afghan national given PoR cards, it does not confer any status on them, so they are just Afghan nationals that are registered in Pakistan that is called Proof of Registration. We said that this card will not confer any status on the holder. except for identification.

There is no legal basis available in the law anywhere as far as our constitution is concerned for refugees. So we administratively deal with refugees through cabinet decisions. The process is that we first consult and talk to UNHCR. then we consult with all the provincial dept, then with all the relevant agencies and gov. ministries intelligence agencies. MOFA, LAW human rights after we have had consultations there are dissenting views and for views. Then that all is submitted to the cabinet as a summary and then the cabinet then considers the summary and they approve/ take decisions. if it is an extension of 1/2 years a policy is approved. presently we are again waiting from the cabinet to have a decision. We administer refugees/ deal with them through a government decision.

UNHCR had no role. their advice suggestions, coordination is step one for us. We only consult them, but the decision making happens at the cabinet. unhcr is not part of the cabinet. Cabinet is the federal ministers and the Prime minister.

S: why pakistan is not a signatory to the 1951 convention?

N4: it has a long history, since 1947 the influx of all the bharis etc, the minds sitting on top of the state thought it not appropriate to ratify it. within the convention you have certain clauses which call for local integration and refoulment. We have not ratified the convention, but in case of Afghan refugees we have gone beyond the convention, they way we have treated and looked, respected the concept of refoulment. We have given them protection. One thing that we are very vocal about as a government policy we do not allow local integration.

We are now working on our own refugee law, keeping in mind our interests and environment. we have also proposed it in current summary for the cabinet. now it has come to the attention of the political parties.

S: what happens to the people who are undocumented?

N4: the one liner is very easy, anyone who is not documented is an illegal immigrant. documentation/ and the census was open to everybody. On any sovereign soil if there is a person without a valid visa/ passport or proof from the sovereign it means that they are illegal immigrant on the soil. For them that we have the foreigners act of 1947, keeping in view our hospitality the GoP has not used to such great extents.

The MOI has reservations about the registration of the undocumented as they want to be repatriated and needs to be resolved.

These people will not be assisted by the unhcr if they go back as they are not documented.

There are 3 aspects of it, the SSAr has 3 pillars and for which we need international support. tells me what the pillars are.

That is why there is an emphasis on international community to come and invest in Afghanistan & Pakistan, their stay in Pakistan has had a negative impact on our environment; deforestation etc, so we have a initiative of RAHA. Emphasis on the Brussels conference are on these three and they are also in line with these 3 priorities. Voluntary repatriation is top priority we have to the extent and said that we do not want any money. please invest in Afghanistan, we need to have an environment there to sustain the repatriation. b/c then otherwise they would go beyond Afghanistan and into Europe then they would have a problem.

S: what kind of support have you gotten so far?

N4: 195 mill \$ is coming of Pakistan in the past few years. After the Brussels conference there has been a huge pledger of about 15 billion dollars. for Afghanistan.

Interview with L3

Hamza Shafkar currently deputy secretary Establishment Division Islamabad, previously i was working as head of the land department in CDA.

Me: What has the role of CDA been with reference to Kachi Abadis? have they been documenting them, recognizing them?

H: lets try to understand the legislation under which the capital development authority is working. CDA is working under an ordinance which was issued in 1960, under that ordinance a new capital was formed out of the area of district rawal pindi and was designated as the Capital territory of Islamabad and CDA was given the task of carry out its major development. so the way that it worked was it used to acquire land on market prices from the people that were dwelling on the land and it not only compensated the people who were the owners of the land rather it also compensated the people has rooms on the land and the term that we used was built up property; BUP.

In 1985, after the Afghans came to Pakistan and the government at that time was very facilitative of those people and they were allowed to sit on the already compensated land just to give them some relief.

Me: were the afghans at any given point legally given the land to reside/ dwell/ live on?

H: no, no, no! legally they are not the citizens of Pakistan so we cannot give them any land as such but they were facilitated in terms of making them sit on our lands just to facilitate them, so they can go there and if someone wants to help them, the government used to provide them some facilities. They were legally allowed to sit on the land, not own it! + the land that they were sitting on was the property of the CDA which they had bought from the people who used to previously own it. it is not the land of state!!! everyone thinks that it is state land. For state land which is different from CDA owned land and they have a law for state land which is the Kachi Abadi rehabilitation act. It is enforced in KP and Sindh and Punjab. It is even in Islamabad, but the state does not own any land in the Capital territory. so no one can come and sit on the land. that is legal aspect of it. (Shafkar 2016)

Me: So to be clear the land of I-11 where the Afghan settlement was the property of CDA which comes under the authority of the City municipality.

H: After acquisition of part of the land it allotted it to some other private people for some price. So that land was now the property of private individuals and they were coming to CDA was the past 10-12 years to claim the rights to the land. so they can make their own houses there. They were from the lower middle class statuses and they had bought the land from CDA to build their homes there. They bought it from 1988, they were the ones that eventually went into the high court as well in a writ to push CDA into vacating that land.

Me: I-11 is a purely residential area?

H: no it is a mixture of commercial areas, some are industrial some are residential. we even have the largest fruit and vegetable market in I-11 and the largest timber market. they are legal markets and very expensive land in that sense.

To answer your question of whether there are Afghans here and did CDA do some sort of survey, yes CDA, special branch of the ICT government, ICT that works under the commissioner also did a survey and less than 10% of the people that were there were really from an Afghan origin. 90% were IDPs or just thought it appropriate to sit and encroach on the land.

The Afghans were removed from this area in 2005 and they were even given some monetary compensation 200/400\$ during Musharraf's time. they had all left, the people left they were locals who thought it convenient to stay there. Broadly there were 2000 housing units there. some schools, some water wells.

Me: So as far as I know the process that started the demolition/ evacuation of the I-11 settlement CDA submitted a four phase plan to the IHC?

H: the owners of the land, the private allottees, they went into the court and they said that have the land vacated. So then CDA submitted a report which said that it is not just i-11 but atleast 30-40 illegal settlements are there in isloo. So the high court then said them evacuated, so we had h-10, h-12 evacuated.

So the people from the UN came and they said that there are Afghans here what are we going to do with them. We said that we can give them an alternate space they can go there as this is private place and we need to give the land to the people to whom it belongs. why do they need to sit on land that is worth a lot of money, why does it make them happier. Why cant you live on cheaper land, go in the mountains or somewhere else. So UNHCR agreed to move them and the Afghans willingly went away. none of them came to us again. So UNHCR was in the picture and the ministry of SAFRON was also involved and they later on agreed with whatever we were doing. So after we had the smaller settlements vacated the high court said have the one in I-11 vacated and the main people are here why do you not take any action here. They gave the direction to the ministry of Interior because CDA said that it will turn into a law and order's issue and MOI should come in. Then eventually MOI approved a plan where they said that have this place evacuated. After the plan was approved we started the action, even then we told the local committee of the locals that lived in the area that we need to vacate the land can we formulate a plan. But they said that they won't leave and we will do this and that, go deal with Malik riaz first and tell nawaz sharif this and that. You can't be poor and a gangster also!

We even gave them the option that the place where the plots have been allotted you can vacate that first and then the rest in different phases so that the claim of these people can be diminished. The demaracted that a riverine flows, you can take the area behind that. They said they wont.

We tried to negotiate for about a year, but after that when we brought the bulldozers then we continued. The process started in 2014 and finally action was taken in 2015. We issued them warnings and announcements and every possible case that you cant think possible. It got a little destructive, some cars were damaged. After that the police came in and did what they do. Then they didnt resist then we moved in and bull dozed the entire settlement. The socialist parties like AWP jumped in to create a scene.

So after the whole episode had passed over then the supreme court passed an order which condemned what CDA had done and said not to do it more. they called Tasneem Siddiqui who is also the chief executive officer of Khuda ki basti so that they could draft a policy on housing and slums in the country. he gave some recommendations. But the point is that the national housing policy does exist and it says that the government will try that everyone has a house but the point is that you cannot make a house on someone else's land.

Me: So in the meantime where did these people go?

H: they were given vehicles and cars and said that they will be dropped wherever they want. Some were from agencies, so we had them sent to the agencies. Some who did not contact us, picked up their belongings and moved a little further, they are happy. The less than 10% afghanis that were there are still there and they are living in i-12 now, still on CDA land and a time will come when they will have to move again. And should Afghanis sit on that land? No! because the government has designated an entire thousands of acres of land near Mianwali for them. But they are not willing to go. the fruit and vegetable market keeps them there, their economy is connected to it.

UNHCR, MOSAFRON only came to make a scene, they did not give any financial aid or assistance.

Interview with L4

Director Municipal Administration CDA (L4 2017)

in the meantime before the development people started squatting here. ICT and CDA did an operation in 2005 and a lot of the areas was cleared then. Afterwards there was a reemergence there of the squatters.

Gives history of the KAtchi Abadis.

So in the Afghan Basti, we say Afghani but there were a lot of pashto speaking people. They still Afghani, but the Afghanis used to work there. Afterwards UNHCR, civil society when they reported a significant portion of people there. You might be able to get data from NADRA, maybe 10-20% people. There have been several attempts to move the people from there, UNHCR has been giving them a lot packages sometimes 200/ 300 dollars. sometimes they give jalalbad through torkham. I know becuase I have been the assistant commissioner in ICT, we have had a role to play in moving them around and then when we interacted with SAFRON we would get to know the role of UNHCR etc.

The recent operation of july 2015 then we moved 8000 people. but they were all not Afghanis. then where did they go? they had economic links here. these people have family in pindi or they have alternate residences they were here for the sabzi mandi, here they work they provide all the services. Their infrastructure was temporary, because they also knew at the heart of their heart that it is only temporary. CDA has already allotted this land to others. Allotees were the ones that contacted the court. CDA was also of the opinion that it was not the land of the state but the city. The katchi abadi act says that if the squatters are moved from their squat then they should be given an alternative spot. It is in the constitution to help them and to make a congenial environment.

But the land that they occupied was in a sense private land. The Islamabad court said that they should do something about not only the I-11 but all the Katchi Abadis in the city. they made a Joint Action committee in the MOI. under the secretary interior, it was not only the task of CDA.

The number of the abadis was 30 at the time most of them still exist. So instead of everyday fights the court decided that we make a meeting under the MOI in which the chairman CDA, chief commissioner ICT, and the capital police IG police. They will do the action together, they also asked for the action plan to be presented. it was done in the Islamabad high court. Then the high court ruled that you start the operation in I-11. because the petition came from them. then the operation was done, it was very successful in two days everything was cleared. There was some resistance but then they moved away.

Afterwards the civil society moved to the Supreme Court of Pakistan. Then the SC using this case it expanded the need for a policy from other provinces also. so the case started a new dimension. SC started playing in the favor of the people that were shelter less. the scope and the range was expanded. they made a commission also that they make their report. It was under some senior bureaucrat. The case is still there and they have said that CDA and ICT does not have the permission to touch the kathci abadis.

Has there been any other committees?

Where was UNHCR/ SAFRON ?

Dont assume that there were only Afghans there, when the operation was happening then the Afghans that were there also left. There was no group that identified themselves as Afghans, And all of them are illegal. they have no rights here. We do not have the capacity to move these people in soft measures. we announced the eviction so they may leave.

Initially there was some resistance, but then they move on. The police also arrested some people then they also softened their will to resist the forces and eventually left.

Was there a complaint from the UNHCR?

ICT gives magisterial support. Whenever there is a forceful operation that has to be done under the supervision of a magistrate they have to coordinate the police also and they have to tell if to use force, ambulance etc. They are infrastructural facilities. maintenance for law and order. CDA was coordinating the entire event, in cda there is also the enforcement directorate that is meant to relive land from illegal occupants.

Interview with P8

S: Could you tell me a little bit about your NGO?

P8: SHARP stands for Society for Human rights and Prisoner's Aid and we are registered in Pakistan in 1999. Since then we are working with different themes and objectives and mainly refugees protection. So we are the implementing partners of UNHCR in protection since the last 17 years, since 1999. we are working around all of Pakistan. The main objective of the project with UNHCR is protection of Afghan refugees. The services that we are providing are legal aid

and legal assistance. Legal aid means the practical representation in the court and legal assistance is giving them advice on legal matters. RSD which is resettlement determination, in this we also give support. In addition to this we also give a helpline. Training and advocacy are some of the components of the projects that we are doing for the UNHCR. We also work for IDPs and the registration of their registration and the distribution of advice. Then we also work in areas of earthquakes and floods and there we provide social protection in emergency situation.

S: So do you work on a contractual basis with UNHCR?

P8: Yes, there is an annual contract. But this contract has been renewed for the past 17 years. So particularly in Karachi, Islamabad and Peshawar we are working with UNHCR.

S: so you mentioned that you give them legal aid and legal assistance, what kind of cases do you deal with?

P8: there are different cases, however the biggest one that we deal with is the 14 Foreigner Act. The refugees that are arrested we represent them. There are two categories of people, there are those that have been registered since 2007 and then there are those that are not registered. So primarily we have to see whether the arrested refugee is registered or not. If he is registered then we represent them in the court, if not then it does not come under our mandate with our contract with UNHCR, then we assist them through the SHARP platform, not project platform. Project with unhcr is only for the registered refugees. So we provide them legal aid and representation in the court.

S: Does this also include the asylum seekers?

P8: Yes, whosoever come under the mandate of unhcr, similarly we are assisting them in repatriation, in social protection, education, driving, id cards kind of thing. Also because they have been living in Pakistan for a very long time they also have a lot of material negotiations with the locals citizens, some financial issues, so we also look into those and support them. Family cases, arbitration amongst the Afghans themselves. We are providing them a complete set of assistance in protection.

S: So these people who have a lot property here what happens to them, a lot of them are going back, what happens to them as they are so well integrated, have you legally dealt with cases of the sort?

P8: Very small number of refugees are integrated and this is actually a misconception. The people who are integrated they are not the refugees they are Afghans who are settled in Pakistan since ages. This I know many people who have been here for the past 40 years or so,

they are considered as refugees who are not refugees. They have the rules, under the naturalization law they are entitled to be the citizens of Pakistan. The refugee termination it came very late 1979/ 80. And the people who have been living here before that time, they are not refugees. Also very small number, the last year when there was a crackdown against refugees in Pakistan they have sold out their belongings, at a very low rates and left.

S: Is there some kind of documentation and data on that?

P8: No, the very unfortunate aspect is that we have no data, no research. Even we don't know the exact numbers of refugees in Pakistan. I have been screaming for the past 4 to 5 years that we need a refugee study center. We should know at least that since they have arrived how have we benefited and how have we been troubled, what have they taken from us and what have they given us. What contributions have they made to our economy? We have no data!!! We still till today we do not know how many registered refugees we have with us today. From 2012- 2015 only 58,000 refugees repatriated. In 12,13, 14 years while 60,000 are newborn cases every year. they are part of that population but we are not calculating them.

S: Does unhcr also not do this?

P8: they do do it, the registered afghan's children when they reach the age of 5 they are tabulated into the system of the PoR. But they have stuck to their statistics of 2006/7 of 2.3 million registered people. They say that the 1 million have left through repatriation, this is how much there is left. the first time they have admitted in the last meeting that 1.5 million were there, 3.7 or how much have left this year. Still we have 1.3 million, difference is because of the new born babies included. This is the first time that they have agreed on this.

S: Where is this figure issued from? Is it from the safron?

P8: No, it is from unhcr, they regularly do they a survey. Their person in charge is aqeel zahoor. He does the survey, they give you the statistics. However, my point is that it is not the work of unhcr, the government should be able to manage this on their own. unhcr should facilitate, this failure on the part of the government. Now, when you look when there was an influx of refugees in Europe the first thing that they did was that they made for themselves policies and codes on how to deal with the situation, on what the procedure needs to be etc. After 37/ 38 years we still do not have a policy yet, no law, no policy, no program, nothing at all.

S: Sorry to cut you, but why do you think there is no refugee law?

P8: Because the government is scared, in the sense that we have a very porous border and anybody can walk in and claim to be refugee and then the government has to stay in Pakistan, so very frankly they have admitted that they cannot do it.

S: When have they admitted it?

P8: many a time, many a time

S: When i interviewed the chairman at SAFRON he was being very politically correct and said that we want to protect them and send them back with dignity and honor!

P8: You should have asked them what is there policy to protect them and send them back.

S: The latest policy is very ambiguous

P8: The latest is that the government in 2015 has announced that they will register non documented afghans till july 2016 so they could have the proper data, this still has not been issued. So that is one thing, the biggest disadvantage to Pakistan is that if resource allocation. When we do not know how many refugees we have, then our resource allocation will also be accordingly. We currently have about 3 million afghans, but what we have on paper is 1.5 million.

S: How do you estimate these 3 million?

P8: because the 1.7 million we had the year before last year, then the stand point of all the organizations; unhcr and government was that there is an equal number of unregistered afghans. Last month when the commissioner karachi was here he said that there are 7-8 lakh people in karachi. the same are in quetta. The number could be more not less, thats why i am saying if there was a research center, some mechanism, if we had some organization then we would not be sitting here and estimating these figures. P8but we dont have the mechanism, that is the failure on part of the government.

In todays newspaper the minister of safron has stated that there is corruption going on in their own ministry. People are employed in KPK and they are all fake and they cannot do anything. this was in the express news, they had a meeting and the minster was helpless to say anything. In a country where there is no rule of law, there is transparency there is no democracy then how would these issues be resolved? Raheel Sharif has done one thing, he has done border management at Torkham, But we have 8 points, one is protected but there are 7 more, there is Chaman, there are formal and informal routes which pose potential risks. The border management has this advantage that there is some protection, people are coming with proper documents and visas and passport. However, in Balochistan and Sindh they are just coming inside and going outside similarly we have a lot of issues because we do not have the census and we do not know the exact number. Second, we do not have any policy and we do not have any law.

Number four, we do not have the political will to sort out these numbers and to face them, under humanitarian emergency law there should no time limit, it is a violation of the humanitarian law. The government says that they will send them back with honor and dignity but there they give them 5/6 months time limit and then keep extending it. This is a violation of the law.

S: How is that a violation?

P8: When it is declared an emergency and the people come, then you say that they will be sent back, in 6 months. Emergency was declared (in afghanistan) by the international organization, it is they that are going to call it off! who is Pakistan to say that the people should go back now that the situation is safe in their country. secondly, under the citizenship act anybody born on this land is a citizen of Pakistan

S: Isn't that only if a person applies for naturalization and go through the entire procedure only then they are citizens of Pakistan?

P8: the other thing also is if the persons parents are also born in pakistan, then they are considered Pakistani! We are now currently going through the third generation of Afghans, all these children born are eligible for Pakistani citizenship. The people who have been living here have married the locals, they have had children together, its been 40 years you see! they have still not given them the citizenship, even the pakistani women who have married pakistani men, 250/ 300 women protested in peshawar 2 months ago, their husbands were deported, and whose children are these? they are now stateless people because they are not afghans they are not accepted into the citizenship of Pakistan. The reason is that they do not have a policy, for 10 years after a person lives in a country then the person can be naturalized. I am not supporting them to integrate them into Pakistan, but my reasons are we can support them by integrating a certain number of afghans, some through resettlement, some through repatriation, so this issued can be resolved easily!

Last week there was a meeting and i said give me two months and i will give you the numbers from all over Pakistan. not that difficult, you ask the local police authorities to tell you the number living in their jurisdiction. when you compile it you will get all the numbers, they are not doing that because they do not have the funds.

S: Why can they not have the funds?

P8: Because they need to turn it into a project, this project is also stuck because a huge funding is demanded. You will need funding for registration but not for counting them!

not for how many people are living in this soil, that could easily be done! because we have a proper system, there is a heirarchal system where they know everything about their districts. They can provide that data, but that is also not being done. With reference to protection!

S: What is unhcr doing in this matter?

P8: unhcr is a facilitating agency, from them the demand is going and they have been saying it since forever. Since the exercise of PoR has started which was also funded by them, they are also saying that the undocumented people should also be documented. And even now unhcr is ready to give the funding, but they do not have the capacity to work. I also think the people that are sitting there they also do have the level of interest to do it! The incidents that have happened, peshawar attack, bomb blast in charsada, that has also changed the narrative! So the mukhalif mind is prevailing, even in the government sector. so the policy makers are not influenced by

these incidents, they look at the border spectrum but that is not happening here!!! That is why we are facing this issue, but with a bit of effort.

Internationally we are labeled that human trafficking happens in Pakistan, but we have no record no data, only FIA has a list of deportees.

Our biggest flaw is that we do not go towards research or institution building. People work on an individual capacity that is the biggest issue, this is the current situation. According to my understanding the unregistered are more than the registered in my mind and that is a problem for us, that is a problem for the government, that is a problem for the international community.

Another one of our set backs is that the UN published the ratings for the countries hosting refugees; Turkey is on top in that, and Pakistan is second, they are hosting 2.2 million we are hosting 1.6 million, and that is only the registered Aghans. For this reason they have received 2.2 billion dollars in aid to host them. We on the other hand have not received such a tangible fund, why? if we had claimed 3 million we would have been able to receive 1.5 billion rupees.

The biggest setback that we have is of resource allocation, because of which the rights of the afghans themselves cannot be protected. They are all over the place! In their camps they do not have proper sanitation, they don't have health amenities, no education, they have nothing. The refugees that live in urban areas, the kids are living in the fruit and vegetable markets, they have no facility because there is no resource allocation so we can support them. We are facing all of these issues only because of these policies.

S: Do you look forward to presenting the policies at the code for pakistan forum? Do you think that it will be useful in any regard?

P8: this was my idea basically, i have proof that i had submitted this proof back in february to unhcr and sit locally. The problem is in Pakistan and we go and discuss the matter as a side event in geneva, in turkey, what the hell are we doing with us!!!

We should sit down with Pakistani and local stake holders, take them into confidence and work towards our problem.

S: What session were you in? what was the outcome of it?

P8: I was in the legal, and the first thing that I objected to dilawar, the person who was chairing the session, although he was a very talented person, he was a barrister, he did not know the topic so well and he was chairing the session. He was not aware of the ground realities of

Pakistan. Secondly, he took time because he was trying to understand the things himself. My suggestion was and is still there, if we go for the legislation it will be a wastage of time, because it will take time to convince the people and it is not easy in Pakistan. And keeping in view the political situations it will take years to come up with a new legislation, what we can do is propose some amendments within this foreigners act. These would only be two or three amendments and it would be easy to protect the refugees, so my submission was that if you want protection of refugees then immediately action needs to be taken that can be easily done. If we just put a term in the foreigners act that it will not apply to the refugee and put in the definition of the refugee, this would put an end to it, as these people are mostly arrested through this very act!! If we put an amendment in it then it should be better than what it is now. So I proposed for this legislation there is no model legislation, except for maybe in Korea and it is proposed in Romania, but that gentleman who was the force behind the Korean law he said that it took us quite a bit of time and pressure also, and then the draft that we gave to the government it was heavily amended and then according to the requirement of the government it was passed. Still it was not very effective, which we were expecting, but anyhow at least we have a law. so we don't need the kind of law which is not effective, if we have to have a law to show the world then why not have an effective law by making certain amendments within the foreigners act that would be enough for us to help our people.

S: So what are the amendments that you suggest?

P8: That we have already worked on, the things that you are talking about now I have already done a really a long time ago and I worked on it 2005, and I made a draft law and I presented it to 45 senators^{26:40} we had meetings with them four to five times and then this bill was submitted the national assembly by the law parliamentarian Riaz Fatehna, it stayed on the agenda of the assembly. what happened when SHARP initiated it so first we got the parliamentary commission then gradually we then worked on it for 6 months, in the end when the draft was ready then UNHCR wanted the credit for it, so they moved sharp to the side and they came to the forefront, they had meetings with them without us. I got contacted by the parliamentary commission that you are not involved we even asked about you, UNHCR wanted to take ownership of it but we will never give it because we know that you worked on it. and that was great of them, so the bill was submitted but when we took a step back no one pursued it. It was on the agenda for a long time, but it was never presented.

Also I have written a concept on it 2.5 years ago. I sent it to Neil Wright when he was here in 2013 that our problem is regional, it is not an international issue! Our refugee issue is a regional issue and only within the region the Pakistan and Afghanistan area are affecting ^{28:46}so this should be discussed at national and regional level. So there I proposed that you bring in 50 people from Pakistan, Afghanistan and Iran that know their field and when they talk amongst themselves they will know of the ground realities of what is happening, I cannot know from thin air. Someone is telling me about Afghanistan if there is space there or not, the missions from all these countries should come together and identify where the problem is. When there is an

environment of local people then their recommendations could turn into a policy then that would be effective and acceptable. The bureaucratic policy that is made it is made by people who know nothing of the ground realities. I asked the minister, that after taking oath he left for Geneva and you went there and announced the extension, but what did you get in return for it from the international community? He said what was I supposed to take, if you had taken some briefing from me, you could have increased at least the resettlement quota so then you could have said that I have done something. Nor have you acquired any funds nor the resettlement quota, you have just gone and said that the refugees can stay for 6 more months. 30:26

The services that we give to the refugees, we do not cash them, people are not giving them and still cashing them. The minister appreciated the idea and said that he would do it in March/ Feb after which he disappeared.

The one thing that the bureaucracy and the government does not understand is that until there is public involvement the narrative will not change. Now the situation is getting worse, firstly they need to unite on some policy framework for at least the next 4 to 5 years by making Afghanistan a party to it and taking some commitment from it that if we are giving the Afghans an extension of 4/5 years what will you do in Afghanistan to sustain the people there. So that even if repatriation happens but if we do not take them on board then it would not sustain. P8 because public and the local communities are not involved then it does not matter what happens it will not bear fruit.

S: 33:53 human rights watch report of harassment that sends these people back,

P8: There has been no agitation, no protest against these people on the community level.

S: What about harassment by police?

P8: there are the security forces not the public level, the thing is that the public still respect them, accept them and there are no sentiments against them. Social media has bullshit, and yes there is harassment. Harassment is done after certain incidents, there is a report of the UNHCR after the blast they have stated that there are considerably reduced arrest and harassment cases have been done. The other thing is that the military is also involved in it, the last tenure was very much against the Afghans this regime is not that much against so that also makes a big difference.

S: 36:29

P8: Unless we have an institute that publishes its own data, we have to accept international reports and data. I am surprised to see researches published from the US and we don't even know what's happening in our own country, 37:25 makes irrelevant joke

my conclusion is that we need continual dialogues at national and regional level and each province involving all these discussions. People from here should be internationally selected that go talk about ground realities at international forums and represent Pakistan,

S: In your opinion the participation of urban/ local level governance could be beneficial?

P8: Yes ofcourse, it is absolutely essential 38:33 the local level counselor/ nazim he is much better aware of the situation than the person sitting in the ministry beacuse he is directly involved with them. We need to take on board local stakeholders who are sitting in the community, elders etc. also. a regular journalist from Swabi he has reports that no one else does, they are quite because they do not have the agency, but if you give them the chance.

In 2001 there was program of the government launched: screening of the Afghans. IT was done by safron, unhcr and sharp. WE made three teams with one person from each organization and they interviewed the Afghans one by one and at the time SHARP alone employed 450 people in peshawar, they would screen the people. We identified the actual refugees, the migrants the economic migrants we even identified the criminal cases. We screened from march but stopped in sept because of 9/11. Out people were in every camp and was supervised by unhcr. There is a41:31 place close to hyattabad which needed to be vacated there were refugees there, the governor iftikhar shah he said that get rid of them, so it started a tussle at the national and the international level that you cannot do this to the refugees. He said that they are not refugees, so then we screened out the refugees. It was a great exercise and we identified lots of people that were potential refugees that was our responsibility as well as the responsibility of the government and unhcr. So if we screen them out, it would make things better for the entire world. Funding for this has never been a problem. 43:19

Repatriation is not an issue, the actual issue is integration, how will you integrate them anywhere in the world, because this population is now just drifting in air. So now will Pakistan, Afghanistan or some third country will accept them in the world! Repatriation is not the problem, they take the money they come back, they have houses here and on the other side of the border. Some go for holidays, for ramazan its very easy.

I just met a guy the other day he said my mother goes every year and now she is stuck there and cannot come because she went on her PoR card and now she cannot can come back. but now they are trying to bring her back through the way of chaman. The problem is, is that once the screening is done it will be easier for all parties involved because then the potential afghan refugees will be identified that will need protection.

S: When the eviction happened in I-11, was there a screening process involved in that?

P8: NO,

S: What when the 2009 displacement happened?

P8: Yes we did it, we moved them and resettled them in H-12. we made them arrangements for them for water and most immediate neccesities and our team of sharp was involved. unhcr has never involved directly.

S: Do you have any documentation or report of it?

P8: We should have it, but my office is in peshawar right now and i can email it to you. This entire abadi had other people in it also not just afghans. I even ran a school there for Afghan kids. then when it was demolished then they moved the afghans next to the railway station. I know people in this settlement that have shops in Peshawar and other places, so those people then went there. But it was always declared as a security risk. if there is a bomb blast in karachi then the first thing that the police does is that they go and they search h-12. We have also made a video on the problems of the people of that area.

S: so the undocumented people have the same kind of problems then, they are dealt with the foreigners act, how do you help them?

P8: the only solution to that is that they get deported. but very interestingly, there are more cases of registered afghans than non registered ones. the non documented bribe the police and they steer clear of trouble.

Total 196 people were arrested in the whole of punjab in the beginning of 2016, while much more number of registered afghans were arrested so err when i spoke to the afghan ambassador, and i told them since we partner with the unhcr you should have your own legal adviser. So now they have one, so their legal adviser is looking after non registered refugees. Since they have their legal advisers, so the recent case of sherbet gula they took care of it. their embassy is looking after these cases. If someone comes to us we refer them to them.

S: Have you interacted with the government on some kind of project?

P8: no, they never reached out, they never invited the civil society to participate in the policy matters.

S: How many afghans have been naturalized according to your knowledge?

P8: Through official sources dont have any information, because if it does happen then it would become precedent and then more people will apply for it. So in my understanding there is no case has been done.

S: Do you represent anyone in these cases?

P8: if someone comes then why not?

S: have you?

P8: no

S: Why is Pakistan not a signatory to the geneva convention?

P8: I once had a meeting with the ministry of interior and i asked them why dont we sign the convention, and they said that we dont have the capacity the other is that our borders are too loose! today people are coming here from somalia, from passing through ten places comes here. Also our circumstances are so fragile,

S: So the option of not signing the convention comes from Pakistan's own choice not that they do not fulfil some legal requirements to sign it?

P8: There are lots of conventions that we are not signatory to, it is the governments right. International conventions are a voluntary law they cannot be forced. It is the prerogative of the government of Pakistan if it wants to apply or not.

Egypt is the only country where they have signed the convention but unhcr facilitates as they lack the capacity to do it themselves.

Interview with P9

S: so what happened when the evictions in I-11 happened?

P9: They gave tents, and the people who approached the UNHCR received help but not so many people approached them.

Also from the Afghans that had repatriated and have come back now we have learnt from them that when they were evicted in 2015 they went back home based on the interviews that we have conducted.

P9: The current I-12 camp has been authorized by the UNHCR from CDA. there are about 6000-7000 refugees there now.

The people who dont have legal documents/ or even if they are legal and illegally living on government land, then UNHCR does not intervene with it. If they are living on illegal territory then are committing a crime, we counsel them that they shift to a proper house, we sometimes get the assistance from UNHCR, or shelter or tent but not much.

Interview with L1

Interview at the City Council_Annex Klerks

S: What kind of projects do you have for the undoc ppl?

L1: the BBB, people who are medical ill there is 24 hour shelter. we dont get any support from the national of any kind.

You have the DT&V that is the national organization then there is the IOM, the international level organization for migration but also gootwerk, bridge2better this kind of organizations that send people back, they get money from the national governments. They pay other organizations to help, And the administration of Amsterdam we also use the same organizations, sometimes we work together so we make a plan with them.

S: What kind of programs do you work on with the DT&V?

L1: sometime we have problems with people from Algeria, they are around 50 and are all addicted to alcohol/ drugs a lot of problems so we want to send them back and we want to help

them to make a future back home. Sometime they have a group they want to send back so we help them, so it works mutually. so sometimes we also pay them a little bit.

S: this would cover voluntary repatriation

L1: but also, deported ones. But it is only when the other country accepts it, but that is mostly the problem that the other country does not accept it. when people don't want to give their identity then we don't know who they are then the other country will never take them back. Those are the people who refuse to say who they are; they are not stateless. They don't want to go back so they say that they don't have papers, they say another name or another country. there are people that are stateless but they are few. When their country does not accept, them they stay here in the Netherlands.

S: And then they come to the BBBs/ other shelters?

L1: haha we don't want that. the main reason the city helps the people to take care that they move either to the legal stay or go back. When they refuse to go back and not work with us that is a problem. we want to work on a sustainable solution.

S: What is the VBL?

L1: it is the freedom restriction location, it's kind of a prison but looks like a prison, it is the deportation non voluntary. there is only one in Holland in Ter Apel.

S: Are there any plans to expand the provisions of the BBB?

L1: no we want the people to go out of the BBB to work on a solution, so people can go out so there is new place for other people. `

There is a discussion between the council and the alderman that we want to refuse the people who don't ask for asylum, because this is a program and the money is allocated for the people who asked for asylum and did not get a legal stay. So we want people from the safe countries to go elsewhere but that is a discussion that is now running.

S: but in the meantime they are being accommodated if they turn up.

L1: yes

S: what are the difficulties you face in the running of the BBB?

L1: the budget is 3.7 million euros but it's not enough to do all the things we want to do, the other problem is that we don't want the people to stay here, some people stay 20 years illegal and we don't want that. we want to help them to find solution. the place to stay is less important than the help we give them. you can stay here for a little while but you have to work on your future that the message.

S: When have you received budget from the state?

L1: yes we did last time was last year, the council of the jurisdiction of Europe of Dec 2014 that we are obliged to help the people and to get them the place to stay and on that time we started the BBB. From that time the gov pays a little bit of the money to the cities who has the BBB. the purpose was to make an appointment to make an agreement, from 2014 we worked on an agreement the gov and the most important cities on what to do with these people and what the state and what do the cities want, Nov last year we stopped because we could not agree we disagree and then also the payment stopped.

S: what were the crux of this agreement what were the terms of it?

L1: the gov says we have the VBL, when the cities help the people they wont go to our VBLs then they dont go back.

S: do you also coordinate with other municipalities

L1: rotterdam, utrecht, groningen, den haag, neimegen, there is. sometime we meet and we work together wth some problems to the gov. we dont do thing together because it is all politics and in other municipalites there are other political parties. on the level of the alderman they cant agree with each other. it more practical

S: there is also the VNG, its from the cities in Holland

L1; when you want something from the gov. you do it via the VNG

S: what kind of proposals have you made thru the VNG

L1: negotiations with the agreements that was via the VNG, they represent all the cities to the netherlands, amsterdam is the biggest city so we think that we are special so our mayor goes to the gov directly, and the other small cities have the VNG we also have it. It is always difficult when someone else represents you

S: asks about the church complaint

L1: they want us to do much more than what we do, there is the diaconte, the world house. they have also the undocumented ppl, but they want to do much more so they have other ideas. they want everybody 24 hours, jobs money everything for them. But that is the job of the government not the city!

S: asks about NGOs

L1: we give support and subsidies in return for help with the BBB the rest with returning the migrants.

S: bbb is not something that the state endorses

L1: the state allows the BBB, i think that the system we chose its reasonable for the government so they can allow it.

S: have they said that you should not be running them?

L1: they are just allowed

S; any negotiations at the EU level?

L1: no!

S:

L1: the ngos ask for funds from AMif

S; do you negotiate with WZH on any of the terms?

L1: if someone person comes to us we help, but we don't help the group, we help individuals, they want to be a group but we dont accept that

they want to stay legal, they want work, they want money, education, houses and those are all things that are not the responsibility of the city, it is the responsibility of the government so we can't help them, so their presence is tolerated. When the owner of this house says that they must go then they have to go, its the same for anybody else in Holland.

Interview with P2

Interview with respondent P2_something in Werld Hueis

P2: about the lobby you know what kind of organization this is, this is the world house. we are completely independent of any funds of the gemeente, nothing to do with public funds from any government, long time we did actually did not do anything consistent with amplifying the voice of undocumented people. we hear a lot of sad stories that are in distress. last year it would be good to start to bring the message across because we think that a lot of people do not know what happens in the city. we mean the politicians we also mean the Dutch people, they think that it is generally easy for the people who don't get asylum to go back to their country. but they forget that there is this asylum whole.

We have a mixed group of people we have the migrant workers from indonesia the philipines, we have people who have been living here for a long time who never got their status. but are practically dutch citizens, then we have refugees that are out of procedure that come here. so we have so many stories and voices of how badly they are treated and exploited. human trafficking and sex trading. My colleague and I decided to start telling stories to the municipality of what we see on a day to day basis. And at the sametime we initiated meetings together with other parties in the city to talk about the situation. Like ASKV, WZH, medical parties i.e. doctors of the world, equator to talk about what do we see and how we can influence the political parties with our findings. The structure was as follows that we spoke during meetings in the municipality so when they all come together in assemblies, and citizens of A'dam have the opportunity to talk 1-3 mins. depends on how busy the meetings are. On the other hand we met with the different political parties, we invited them to meet with us, not all parties responded

well, only GroenLinks, PvdA, the Christian party which is very much linked to the identity of the world house. but they never went to the meetings. The lobbying was telling the attendants the story, amplifying the story connecting to the political parties to the city, but also keeping the good contacts with the municipality itself, because our role is quite independent we're not like the other organizations e.g. ASKV which get money from the municipality for the people they support but we don't. They gave a more free approach to the issue. but on the other hand what I noticed at least that it is a very old institute so to be too much activist it's also not good b/c then you already estrange the parties that work so long time with the institute. so that is the balance that we are in, so the WH is the little naughty sister, then the diaconie is the sensible sister.

S: How long have you been having these assemblies?

P2: actually now for over a year, and before that we never really did that. so the influencing that we do is more behind the scenes, and what we do is that we also cooperate with other institutions to organize events to compare the different BBBs. Last month we had a very interesting meeting with the undocumented people in the country, so to also support the voice of the people themselves. It is also a lobby that we are aiming for now together with the WZH academy (which is different from just the group) and Koolem we are working on supporting the people, if they dare and if they want to lobby themselves. we can also start to support them in that initiative, b/c in the BBB during the day they are out on the streets that is something that is very worrying for us. some people really consider it as a prison and even worse than a prison, b/c in prison you get your money, you don't have to wake up at 7 in the morning with a knock on the door. they are treated as children, they are not allowed to do anything themselves. So if we could help them to express that feeling better effectively that is the aim we have so far, is it possible for the people in BBB and WZH. We want to turn the activist aspect of the WZH turn it to more lobbying together with the people of the BBB. so to create more of a national movement, so ideally the politicians can consult the undocumented people themselves how we can all work together for a better system even when they are undocumented. b/c from my point of view the Netherlands is a very rich country and I think that we treat people without any rights in a good way. I am sure if we give the people the time and space to take the next step in their lives they will probably go back to their country of origin. So I am not afraid to talk about return people don't really have to stay here. I'm not an activist on that, but I am more a lobbyist on how you can give people the attention to make up what their next step is in their lives. b/c now we see people here that don't move on. b/c their life is in a standstill because they don't know how to solve the problems.

S: how has the lobbying been so far? have you been able to reach some kind of results?

P2: it's going up and down, we thought we were really going in a good direction lobbying for 24 hours in the BBB but now we are put back again. We think that, that is the general opinion, we have the mayor who is very holding onto the subject and our mayor is very sick also so it is hard to force a change, b/c it is very focused on the subject he doesn't want to let go. b/c he has some hangups from the past with the Havestraat he was offering shelter and it didn't work out so he is

very negative about the whole issue, so it makes it difficult for us to influence him b/ he cannot be reached. he's the one who decides and they are more or less okay with it, the Groenlinks is okay, the democrats are so/ so but they do want to keep the dialogue going but we do have to think of a new strategy. you know maybe start all over again and learn from what we did, think together with the parties what would be a good system of housing people and maybe take it away from the local situation and work more towards a national situation. Every city can do its own BBB, in Groningen 24 hrs, etc. would it be possible to have a uniform system which would be more helpful for the people themselves. So maybe we should try the lobby more on a national level.

S: Amsterdam gives the least provisions in the BBB why do you think that is? would this imbalance in the different cities affect the migrants?

P2: people are yes moving back and forth if a person reappeals and gets rejected from the AZC in Ter Apel they could go to the BBB in Groningen. they could really go anywhere. the person could move all over the country.

Amsterdam is very worried that everyone wants to go to A'dam so they disconnect themselves from being the capital of the Netherlands and of course there are more opportunities here. and what we also have is more of a mixed group of migrants, e.g. people who have been here for a very long time legally then had it revoked. in the 1990s we had the registration system that was later not able to work for the migrants afterwards because it was connected to a residence permit which was revoked and they came out as being undocumented. they even paid their pension for a long time, so the mixed group is probably different from Groningen, b/c there it is more people that got rejected that go to BBB there it is more a clean cut, in A'dam you have such a different group from such different backgrounds so I think that the gemeente set up a system all at once not considering what kind of undocumented people were in the city. probably that also happened, A'dam is called a city of tolerance but you can also call it indifference b/c the estimates are that we have 150,000 undocumented ppl. which are also the migrant workers and as long as things are going okay you are welcome to stay here. and you can go back with the IOM, if you want. but if the things go wrong then only if you are sick are offered 24 hour shelter and when you are considered to be better than you are out on the street again. so you get the cycle of the system that makes the people sick. but this is the mind set that we have to change in A'dam, there is no use that you make people sick b/c it is very costly to make people sick, it would be smarter to keep them healthy b/c then you have more chances of going back to where they came from. the role of the municipality is very worrying at the moment b/c we only talk about people that are physically sick or mentally sick that need a crisis shelter and we do not think about the people who are not sick yet. the medical service of the municipality has a big say on who is offered 24 hour shelter or not, so the power in my opinion is too much on the gemeente on who can get shelter or not, they set the criteria and the criteria is based on the criteria that are for the homeless people with the Dutch nationality have a completely different background than the refugees have another background and problems. The way the system was implemented it was done at once and that's why it was so costly because it did not go so gradually. b/c long

term everything would be done behind the scenes, you would have sick people or people who needed help every now and then, and you would have one worker at the gemeente house that would then hand out the money to the different organizations, you take care of him and you take care of him etc.. They were outsourcing it and the way that the system worked was not so visible there was several tonnes of money and the different organizations would take care of it. The money was from the gemeente, it was more like under cover to hand out money to the people who were in need, but it was not so strict, it was not one year, half a year, here or there. The gemeente really made everything really expensive, we have the most expensive system from what I know in the Dutch land, to house a person in BBB/ year it costs 1450 euros person does not have a roof 24 hours and is still on the street without the money. It's a crazy system, they control the people they are not allowed to make their own food. They have guards at night, everything is about control, about taking away autonomy. And if you take away autonomy they get depressed. So you create a system of sickness, you make people sick.

The more you police them the more money goes into it, and the less agency people have and less able to make wiser decisions. And I think that A'dam does that because they feel if they give more attention to people they think that more people will come. But that is never proven. And I mean if you don't know how to handle your role in the Netherlands then maybe someone else should do it. Or think about a different system so that you divide the undocumented people over the country evenly but give them the opportunity to make the next step in life.

S: what do you think the gemeente change their stance on having the invisible fund to outsourcing it to NGOs as opposed to now more people know about the spending?

P2: I think the WZH situation was quite embarrassing for the gemeente.

at the time Groen Links was already thinking we need to provide shelter but then Pim Ficher came with the law suit with the European Council of Churches there were people intense in the city and then the Havestraat was put into practice and it became systemized immediately and maybe because it was so systemized the grip of the municipality became too strong so we went from very informal to very formal and there was no gradual evolution like in other cities.

It was not gradual there was a breach. And then both things when you have a breach you also have this thing with the organizations in a way b/c now we are all activists but we just from communal organization, the church is not an activist, we are just worried about what's happening in the city. We signal problems and we try to solve them with the city.

S: the two cases from the church/ homeless association did that crystalize into something?

P2: maybe yeah maybe, we were also seen as the ones that created this conflict in a way, I never thought about it that way but it could be that the churches then are seen as activists.

S: did the court cases actually effect the kind of policies that were made?

P2: the government started funded them now the local municipalities to organize the BBB for the cities. Now there is no agreement, now everybody is busy with this b/c we all know that something is going wrong. b/c if people are rejected technically they should go back with the IOM, sometimes you get money sometimes you don't, so it's very hard to get your papers. There are people who are here without papers, even in the asylum center they are there without papers.

S: are there any plans of lobbying at the European level?

P2: it would be good to have that, we are members of Picum. they also lobby at the EU they also bring topics on their agenda. e.g. sending ppl back to libya then they advocate for their rights they are based in Brussels. it's done on the behalf of worldhouse, also to tell what our approach is with undocumented ppl because we also offer counseling along with day shelter. we also help people to be more independent to give them the tools to survive in the Netherlands/ Europe.

S: how many groups come together in these assemblies?

P2: Equator, ASKV< doctors from the border, WZH, the church, HVO, amnesty+ IOM not officially but as a hearing group, not just the organization with the legal perspective but also organizations that are busy with the return.

S: how do you meet? how is the agenda set?

P2: we meet every two months, now we have a summer stop but in Sept we will have one then. Now the agenda also is to seek alliance with other cities, b/c other cities also need us. I was in a meeting in Utrecht at stitching LOS, that got a lobby training and we were comparing situations and we found out that the Hague is even worse than Amsterdam.

S: How worse?

P2: the political parties they have are very right wing.

S: there is also the VNG? does that serve any kind of purpose for the kind of agenda that you have?

P2: they could lobby really well that the gemeente have the possibility to have their own BBB system. b/c the gemeente could say that you have refugees out of procedure and they are from the AZC that are out on the street then it is a case of public order so what are we supposed to do with them.

S: so far all the lobbying that they have done at the EU level, has they lobbied for policies that is favourable for the migrants?

P2: nation wide not, city based yes! listen again at 34:00

S: what kind of policies city based?

P2: there are two gemeente organizations that are busy with undocumented refugees, there are the local gemeentes and they are more into the groningen system, they offer more 24 hours, but amsterdam is not part of the local gemeente organization. LOGO gemeente.

S: if an NGO were to offer a 24 hour shelter, would it possible would it be allowed?

P2: it would be allowed and it would be a local initiative, and we have but for a limited time, Noel house, the rose and catholic migrant workers, harriet tuckman house, for people who need a break for a while (look in the thesis report). but these are limited but you are allowed to do that!

The diaconte does not want to give 24 hour shelter, b/c they say we also fought for the BBB at the European Council of churches so we think that the BBB should be the best BBB for amsterdam! we dont want to solve the problem again, we used to that; the churches would cooperate with squatters or have their own houses where they would house the people. since the BBB came into existence it was the choice to improve the BBB.

So the lobby now is that the BBB gets better and i think we need to lobby with the chrches more. this lobbying that we are doing it should make a stronger connection with the churches.

Interview with P4

Interview with respondent P4

S: Could i know your name and your designation please. What is your role in the BBB?

P4: Oliveir. I am one of the teams that keeps this place going and to assist the people if necessary. We make sure that the place works.

S: So you are hired by the city municipality?

P4: no i am hired by HVO, which is partly financed by the city, so there is a relation but not in a direct way.

S: How is the BBB run? how is it administered organized?

P4: it is a night shelter we have 93 normal BBB clients; they use the night shelter, we also have a smaller department; BBB+ it is a day shelter. But thats only now 13 people. night shelter they can come in at 4 and leave at 9 in the morning, it means that they can use the shower the washing machine, they can have dinner from 6-8. food is also provided by big catering company. The other BBB is in Osdorp which only has men but here we also have 20 women that we give shelter. it is a night shelter so they avoid being on the street, and food so they can keep on living, they get breakfast with some coffee and tea. During the day we hope that they go into the town and they go into different places ofcourse and they are expected to work on their repatriation. They are all in between. But there we do not support, we sometimes call a lawyer we sometimes call a doctor, we have contacts with other organizations that deal with the other group but it is not our responsibility. Our main task is to keep the place going, if we want to help somebody we do it, but its not that we have a care duty towards the people as designated by the HVO, but the

HVO is in contact with the municipality for the instructions. the more clients that HVO has the more money HVO gets from the municipality.

S: Do you have people working from other organizations?

P4: we have volunteers from Venzo. there is also the doctors that come twice a week, for general and psychological problems. The world house is pretty important that is where the people go during the day, we work with them. We meet we have contact with two people who come here to shake hands with the clients if there are some special things that they should know. or something. Then there is equator, tima they are specialized in psychological trauma, the GGD, that is connected to the municipality. People who seek 24 hour shelter have screenings by the GGD. then they go to the VBLs, there is one at Daalburgh it is run by the Salvation army. it is funny because i just learnt from my colleague an hour ago that they are going to quit the whole place, i dont know where they want to put the people which was an important place because when severely sick people we sent them there. They had 30 rooms but they only had 5/6 people and then they decided to stop it. And now i dont know where they should go. that place is very necessary. thats part of the whole political thing that is going on there.

S: the people who stay here at the Walborg for 24 hours how do they acquire these spots?

P4: the screening is done by the GGD, but all these people they come from the Daalburg because it was for 24 hours, but there was a 1 year term connected to it. it is not like you can stay till you are cured, so a lot of them came here, but then they made a circle actually. A lot of them were here then got a screening to go there, then the period stopped and they come back here. so there are 13 people here that should have shelter for the day, which means that they also get live money which means they get 50 euros a week.

S: how many undocumented people are in A'dam?

P4: i was once told from the municipality that there are 10,000. In the whole country 100,000 maybe

The municipality was working on deploying a plan for all the clients of the BBB that they work on their application to go home, otherwise they will not be eligible for medical care/ shelter. So they become more strict on these conditions. Amnesty intl. is doing a research if that is allowed in the European law.

s: how is the registration done to enter the BBB?

P4: the intake is called the Vreemdelingenloket , the most important offices that we work with. and they take in their background, if they meet the conditions to be here then they come here. Sometimes we have free beds then we email them and they send more people.

But it is true that a lot of people that are here are not refugee in the classical sense so some of them and a lot of them is because they have applied for asylum years back, they get negative then try again and they can try a lot of time ayeh, and in the end it stops and they come here.

This is what i call what you have in the shower/ sink where all the water goes the little whole, you have the whole sector of asylum and then the water goes and this is where they come at the end. a lot of people are very depressed, there are some people who are not depressed. There are people who have been living here and they have been legal and also paying taxes. and then something went wrong, they forgot to apply for another period they did something stupid and got in connection with police. the last years it is pretty strict and you lose your legality and you become illegal. and then where to go. the people here are not allowed to work, study, voluntary work even, anything at all really. But these people are a different kind of group than refugees you see, because there are many people here that have been here 20/ 30 years, they have been stuck here really.

S: has there been some kind of attempt to register them not to give them a legal status but to see how many there are? that have to deal with?

P4: they do that at the moment, a month ago we were informed during a general meeting that the city council was working on making it more difficult to stay here, to make the conditions more strict. almost 200 people get shelter in Amsterdam, according to them 76 should go somewhere else because they do not meet the conditions to stay here. They are people who come from safe countries, and with a criminal background. Holland wants to get rid of them but legally it is very different. We also worked with organizations that help the people go back, IOM, some smaller organizations that were erected because of the money that this ofcourse possible to get for them to work with this bridge to better,. They work quite close with us, they were even inside the building but not anymore, but they still work with clients of us and they still help people to get back, they finance people to get back, they get presents like laptop, phones, some money. There is a whole web of organization here in A'dam and they all have their offices somewhere in A'dam and the people go around looking for them. I always say lets make a big building and put all these organizations within this building it would be much easier for the people and also for us.

S: Was it always like this? is it more of a recent event?

P4: i think the cooperation is getting better i think there is more and more cooperation than 2 years ago. first it was very quite here, people came here and people already had their beds and nobody would touch them/ work with them. We had the whole building at the time but it was super quite. now there is a big hype to work with these people.

S: do they all work towards the same agenda, is there some kind of competition for getting subsidies from the city?

P4: many. many, what i do know these organization IOM, bridge to better, they are competitors on the same market. they all want to send as much people as possible because they can put in their record and ask for more subsidy because they are so successful. they dont really like each other thats what i notice from the outside. and the clients also know it, one day they go there the other day they go to the other office. there is this thing. There is friction between HVO; it is

closely following what the city council is doing it is strange because we can talk about the previous Dutch gov. they had a conflict because of the BBB and the government almost collapsed because the liberal party did not want the BBB and the socialist did not want it. The new government the green party to make a new government and they want a less strict policy immigration on the BBB. I think we are again going to be confronted with a right wing gov. apart from that what they failed to do was to get agreement on the BBB, so there is no national agreement on the BBB so every city council can do their own thing. and the BBB is very different in every city.

The city council works a lot towards sending people back, but it is not necessary that they do because it is not the national policy in a way they are dealing with that, but that's my opinion. maybe someone else will tell you that we want them to get more asylum here, but you don't hear that here. What is good here that there is more circulation of people people have more decisions either negative/ positive that allows them to do something. Some people stay here a year and a half. But the BBB was founded 2 and a half years ago, it was founded after the people were found on the street they had no where to go. then in Osdorp they started to camp in a tent camp, there the administration of the city council got really shocked because they don't want it of course to have these guys there, so they started the BBB because they said we have to do something for them. This group still exists, they are dissolved in smaller groups, they are a mixture of squatters and refugees. they get evicted but they continue. struggle. They had a struggle with the mayor van der Lan they got into conflict.

S: when?

P4: when the BBB opened, it was first in the building of the Havestraat; it is the old prison. Then something went wrong in this fight (that's my view huh) then the mayor was personally involved in this combat he is also a lawyer so he you can fill it in! he is personally very involved in the issue, so the city council can think in a very different way than the mayor. but the mayor will decide, the mayor is very on top of BBB things, if he doesn't like something he doesn't say yes. e.g. if there is a waiting list for people to go to the BBB, then he can say erect another building for the BBB because we need 50 more beds, but that's not what happens, what happens is that the criteria is more strict, then we can send 76 people out and then we have more beds free. But these are the political choices, me speaking to you now that's also why I ask you do you use it for your own research it's sensitive material. you say of course but why, I don't really understand because they are people who need help and we are a rich country and they are always afraid that we soak all other refugees to come here because we have such a good shelter. We have to make the quantity more high, we don't want the problem, but the problem is there of course.

s: the motive of the city is to keep the migrants off the streets, but does it work with such a limited capacity?

P4: thats a pretty good starting point, thats also what you hear, in A'dam nobody has to sleep on the streets. And that is good because that is the standard that we want. and is good beacuse if there is too much people falling out the BBB then it does not meet that starting point.

S: In terms of the contestation happening b/w the state and the municipalities how have they affected the BBB? in terms of resources?

P4: in general not! sometimes things change e.g. we introduced the bicycle plan where they have to bike here, first they used to get the OV card and some people sold it because they don't get live money and it is worth 30 euro. which was a policy from the city, so people come to us and complain but we keep on going and giving shelter to the people and that does not change.

S: Has the capacity increased/ decreased?

P4: it has increased by 20 beds in two years only in Walborg. The BBB in osdorp that runs on the same pattern?

S: Any other changes?

P4: the 13 people 24 hours that we keep here, it is a new department. it used to be used for the people who said that they wanted to go back to there country. but that different dept had diff aims, so HVO stopped that so then it became the 24 hours shelter.

S: do the conflicts b/w the NGOs how do they affect the undocumented people?

P4: its a good question, you should ask them. It is not in their interest, but it is a market, with different shops you can see what different shops you want and how much money you can get and of course it resulted quite sometime in the offers i like that for a few months and then another place and then they can stay here a year longer. now it is more efficient, after 3/4 weeks they are definitely going back, there also something changed. So, bit by bit it also gets more accepted that it is wanted that these people (khweeit) leave Holland. I also see that people are relieved when they want to go back home, because also bridge to better they give courses; farming, haircutting, computer courses. It is also good for them if they go back. It could work, i dont know how it works but it works

S: are there some factors that deter the people from coming here? protection from the DT&V?

P4: yes it happens, some people who do have criminal records, so they come but not too often. but the people know they can also chose to live in a squat. if you dont have friends / family squats then you come here, that is also part of that we have to look critically who is here. some people you feel they use the place, some people really need it, others get aggressive, drunk, drug problems. They only enter if they have a official letter and we are not obliged to tell them if the person is here or not. unless they have a warrant.

S: are there other factors that would discourage them to come to BBB?

P4: the women esp. dont like that they have to go out during the day, thats what all the complaints are about. If you dont like to go to the world house. if you want to be in a more permanent then they have to pay rent. some people even have jobs.

In the beginnning when it opened it was thought that it wouldnt work because not so many people were coming, but now since already half a year we are full all the time,

the squat people are always fighting they should have 24 hours, some live money. they dont come here to live, sometimes they come to protest but it has been a while.

S: is there a plan to increase the capacity/ provisions?

P4: there is a monthly meeting for feedback, main reason is to stay longer. they want to sleep longer on the weekend but it is always negative negative. beacuse it should not become a hotel. thats what they said.

Breakfast has improved. In general its not bad, the team is good, they are qualified for this function, we treat people like they do matter. thats what i try to do in my job.

Interview with A1

Interview with respondent A1_activist at We Are Here

S: please tell me about your role, how do you engage in the organization of We Are Here?

A1: ive been involved from the beginning, they started at the diaconate i wasn't involved yet, but quite quickly they moved, at first they were at the private garden but then they moved into the public space. I went to visit them. I have always been involved in the migrant movements all round Europe with as activist background. I have been working with ASKV. I was involved with mobilizations like making theater, poster campaign. I was already aware of the subject and involved. Similar protest camp happened in Ter Apel. Talks about the her own experience with migrants.

I had never seen the migrants demonstrate in a public action and when it happened in Amsterdam it was very logical for me to go there. and get involved. The first thing i helped with was with the eviction that happened two months after. but it mobilized migration acitivists to come and support that day and also afterwards. We talked about it with the migrants, if they would like for us to be involved and if so in what way coincidentally there was an activist gathering in A'dam so we invited them to come there to meet. we explained what we could offer, so we proposed that we could make a human chain so when the police would come we would be there as a human shield, just the activists, the migrants wanted to stay inside of the gate. and they had their own setup. But then it was still separate, we didn't know each other, now it has evolved over the years, and more trust has been built. They were afraid of the police but they said that they were used to it, if we get arrested we get released very soon. 150 people came that morning. big police force came, they tried to break our chain with violence. In the end they succeeded it was quite symbolic. but it made a since signal we were not arrested, the

migrants found by the police and started to negotiate and we discovered that they did not want to arrest the people. But we were under the assumption that they would because in the previous days the mayor went and asked them to please leave voluntarily and explaining why it would be dangerous for them to stay there, but of course there was no alternative. He offered two alternatives but they were very very bad options. one of them to go to VBLs it was not really an option because people can chose for that always, most of them had been there already. The other was staying in the regular night shelter, under the regulation condition for a time perioed for 1/2 months. A small part decided to check it out the other bigger part stayed here and said this is not what they were fighting for. On the day of the eviction the police really negotiated and said it is not a good condition if everyone gets arrested. They said if you arrest us atleast we have a room above out heads we don't have any other options. I was very impresses that the group stuck together, but they were all arrested that day and taken to a police station in the south east of amsterdam. 11 of them were kept for a longer time but the rest were released in the evening. they were just put on the street. Then there was also an intersting moment as it got the activist movement, then they started organizing vans and a place where they could stay for one night in the squatting scene. they squatted a bar. shifted locations which was legalized later. we started to talk with few of the leaders of the group and what the next steps could be. it was squatter and the people from the churches, they knew an empty church. it was new and vibrating and people were willing to invest more time into it. tells how the squatting happened.

the owner of the building responded really well, he passed by and was very willing to help out. but ofcourse these people also have their own agendas and apparently the city was quite happy with the situation so i think that the owner also somehow benefited from it, he needed something from the city like permits to construct etc. we dont know for sure but we consider that it was a definite possibility. We also saw it happening in the years to come that the city is kind of happy with the way that we solve it and they often also put an appeal on the owner, we have never been together negotiating with the 3 parties, but we heard from the owners that as long as you dont have plans with the building we would very much appreciate it if you let them be for a while. That is apparently how the city approached it, sometimes the owners said it was ridiculous because they ask us to solve their problems and i do think that owners sometimes ask for something in return for it and the city obliges. something behind the scenes and we think with the church as well. Because the church needed a change of destination of the property because now it has turned into an indoors childrens playground, because A'dam has strict regulations.

In the beginning so many actors were involved with the amount of attention, volunteers, a movie was made and there were Christmas parties with famous singers.

S: how has it changed?

A1: what was a bit the downside was that because there were so many volunteers they took over the whole structure, it was very different from the migrant self-organized self-camp and then now this church where there were lots of groups that were dealing and organizing with one

specific topic and then it was mostly documented people meeting about it and making decisions about it. There was a door crew of documented people with yellow jackets. it became institutionalized almost and it was mostly the diaconate / the church who decided at the beginning to adapt the project. before we did the squatting action the church were willing to make it their project till Christmas in the end they did it for half a year but they were very much in control. they contributed mostly in money, it cost 160,000 but the organization was done by the volunteers. So, a lot of money and it is not what we use now. The electricity bill was huge, they installed showers and heaters. it was very humid and unhealthy. In the first week's volunteers did most of the work and bought a lot of material.

S: do you also still get funding from them?

A1: a little bit yes! but very much on a project basis, we apply for a couple of hundreds or a couple of thousand euros.

S: what kind of projects?

A1: yes we also have the we are here academy, i am not so involved with them but for sure they also get some money from the diaconate. now we have cockroaches and rats in one of the houses so we hired a company to get rid of these cockroaches. then we applied for funds. we also got money from the church and many many other organizations, food wise it was all donated because there was so much media exposure.

talks about how the spending and budgeting is done. now everyon gets 10 euros a week. we heard that one time the city paid the bill for electricity. when the church ended 90% of the volunteers left.

squatting was done by the volunteers, no one knew.

Organized a buddy project.

S: how is it organized now; what is the role of the migrants as opposed volunteers?

A1: I am not sure if it improved that much actually. and also i was not so involved in the half year. I do think that the 250 migrants that are make up the group a large part is very inactive and passive, then there are individuals that might be like ten people, who are very eager to organize and have energy and wishes especially in a collective way. Many of them burn out or become skeptical with it. we try to talk to the migrants about it and when you talk with the active ones some would like to motivate us again, some would say that yeah you are right.

What has changed with the squatting is that they squat now in smaller groups for the past year. it gives new opportunity for the migrants to be active. in the end we fix everything then, so people get used to it. and i get very frustrated by that. with crowd funding none of the people are involved.

S: how involved are you with the assemblies?

A1: I don't like to engage with the authorities i prefer to do things more autonomously. I don't believe that they are there to help us. especially when the migrants are not there. But there are other representatives from the We are Here that go to the assemblies. The migrants have no clue at all what is happening at these meetings. they talked about the migrants as they are needy people who need something, as if it is also a homogenous group. there were also a lot stamps on it; unwilling to return, complaining, there was a very stereotyped image of the migrants, then there were the experts or the care takers who can decide what is best for them.

What I was also saying about the passiveness of the migrants is that there is also a lot understanding for the passivity of the migrants, there are depressed far from home. They are also in some strategy modus and then you cannot be a super activist.

S: Are you still in contact with the gemeente making some kind of demands?

A1: the group is, there is hank who is one of the supporters whose been involved in this part since the beginning. he is still very passionate about it. He is the only one but the most. Two years ago they were negotiating about having a small scale 24 house shelter. that would be subsidized by the gemeente and it would be run by the volunteers, as there was one example like that from the church and it was presented as the best way to take care of this issue. they would show will all kind of statistics and they need some peace of mind to work on their future but from the BBB this would never happen. ofcourse the BBB is still part of the policy in creating push factors and this small scale shelter would have a very differnt model as it would be more productive, there would be other examples from other municipalities where they would be more usesul. but it is not more on the table because this was when the BBB was being created. they always said the BBB was so expensive, so Hank showed that their model would be less expensive, Now the negotiations are more on the lines of improving the BBB and having more people that will be accepted for the 24 hour possibility. The BBB is something that they created but the something that they created is getting worse. so now we argue for better circumstances.

Amsterdam is very scared for pull factors, they are scared that if we provide something everyone will come here, a city like A'dam is very attractive. I am also not sure but maybe because of the we are here group we are more critical. I have heard migrants avail the BBB and be very thankful and when i saw the interview i thought come on you deserve more. the one on Walborg is small and crowded.

We work with amnesty intl. on legal cases, sometimes for specific countries. We think that if we expose to the law makers and the policy makers we can bring about a change, we did that a couple of times with different countries. i was involved in a campaign around yemen, and it was very fruitful actually in a very short time a lot changed in a short time. There are people working on Eriteria, Sudan. Amnesty we always approach them and they are always very helpful.

S: how do you reach out to the policy makers and the politicians? how do you do that? when do you do that?

A1: we come up with a draft, that is on a national level. Then we approach the people who are dealing with the subject of asylum and foreigners policy on the leftist party. we approach them directly via mail if there are people who are interested in hearing us out. There are these relationships between we are here and the politicians that are quite good. We collaborate with the green party, the socialist, the workers party, there is a wide range of politicians. It depends on the topic, if we fight for gay rights then there is a different niche.

S: so you reaching out to these people has crystallized into an actual policy.

A1: In Yemen, of course the policy shifted very quickly; everybody got a residence permit. These were all undocumented people, but the case that we presented that was so strong it had to be done. But generally, there are some politicians who are very receiving towards the message of We Are Here, but then there is the whole spectrum of politics that there are so many issues that related that are very hard. I see generally the asylum policies getting worse and worse. but I don't think that it is not because we don't reach out to them, and also, they take time to listen to us. they read our correspondence and they are willing to meet with us. It is just a very right wing time.

S: what is the demographic of the people within We Are Here?

A1: i dont have figures, but in my view they are all asylum seekers, but now that you say it there are two people that did not ask for asylum, but it is a very limited group.

S: But like you said it is not a very homogenous group.

A1: everyone is different and has a different story. each person is different. What has been a discussion many times is the people who have documents in another country in Europe; that group is much bigger. Some also have a residence permit in a different country.

We are Here has been a means by which you also ground yourself and fill out the absence of home.

S: When you demonstrate, protest, or a theater performance what are the moments when you make yourself visible?

A1: often it starts with people within the group who want to do something. can be both migrants and the volunteers. sometimes it goes together with current affairs. When the We Are Here has been on the agenda of the Geemente. and especially around the pilot project of Havestraat by the mayor. For creating the project the mayor did a lot. then the politicians were not so involved. After that it became a topic of discussion on the council meetings but also the general affairs commission meetings. Then it would be on the agenda and we would also be there and sometimes you can have a few minutes to speak. we were accompanied by the lawyer Pim Fischer.

Then there was also a march of freedom from Strasbourg to Brussels and a few people participated from WAH. So, someone said lets organize the same from here to the Hague. then we went from Amsterdam to den Hague, then it turned into a small campaign.

S: the contestation between the state and the municipalities for the BBB does it affect WAH?

A1: no, it does not, of course there is also no result from this conflict that has gone on for so long. I also feel that it is symbolic. i think that the national government or the state secretary has a big mouth about it but if you look at the practice, of course he does not have to pay for it and he has chosen not to so it has to come from the city budget. but starting to give fines that is not going to happen because all the municipalities in the Netherlands have them, but WAH does not relate so much to this discussion. The BBB did not affect us. WAH is quite a steady group of people I would say. and on the other hand people from the WAH are sleeping at the BBB.

S: Do you think that the WAH becomes exclusive in terms of who it allows in and who it does not?

A1: for sure it is exclusive because it is a group of 250 people and it has always been a group of 250 people. there are 10000 of undocumented people. i always say that you can start your own group. it is not like there is a patent they can use it as a model. They can come to the squatting information hour. It is also a living group and people should be able to choose who you live with. It is not a shelter it is not that people can just join it is a living group of activists . i also think that it is already problematic because people just joined because they had the right connections. but often those people know nothing about WAH.

S: what do you think should warrant them an entrance to WAH?

A1: you need to be able to live with each other and trust each other. There were always groups based on the countries and the languages that you spoke. but there never really was a system. now that there are smaller numbers they decide interiorly.

Nobody copied this and I don't understand why not.

S: Do you also have connections to other similar organizations across Europe?

A1: it is not so big, there were some contacts with Lampedusa in Hamburg, Oraniantplatz in Berlin, Sans Papier in Belgium. Some also go to Calais. but within the migrants and the WAH academy. But there are only a few migrants that are part of the discussions.

S: is there some kind of a consolidated effort to raise these issues at a higher level? EU?

A1: there are organization but WAH is not in so much contact with them.

S: 10 letters were written to the Parliament, what was the outcome of that?

A1: it was an individual effort from someone who got frustrated. and came up with the idea of spreading written info but the politicians never reacted to it. it was from a volunteer, it was a

few months before the elections. there are also political periods of time. now migration is very high topic of the cabinet, it makes it hard to be visible at the moment. She is also lobbying for the policy to change for the Eritreans as they comprise of the group that do not have any papers.

S: how are people not deported their location is visible? how are they protected by the DTV

A1: the direction of tolerating it. we have never had to worry about the evictions, now they happen in a very structured way. we know when they are going to evict, and we arrange accordingly. some of the people have been to the VBL already so there is no point in taking them back there.

S: Do you think that the WAH is also a band aid like the BBB? because the migrants are also using this as a crutch and stuck in a limbo

A1: yes for sure, i agree very much with what you say. I think WAH has potential there is a vibe of protest. there was a point when we thought that this is the end and i thought then okay then it is the end. and then maybe something new exists. i dont think that we should be so adamant to keep it. i do think that it is very special in its early days and it still is. Undocumented people squatting and self organizing. But it is not so effective anymore maybe it is effective because the people who did not have a house have a house now, in changing the system for a long term i dont think we are doing much. We do have individual successes with the buddy system. The fact that WAH is something that the policy makers need to take into account and sometimes indeed we help them by lobbying for a certain change . Maybe if people are in worse circumstances they could stand up and fight for their rights earlier then waiting for help. It has two sides. There are so many migrants that are not in WAH, so this uprising can also come from them.

Interview with A2

Interview with respondent A2

S: How long have you been in the Netherlands?

A2: I have been part of it for 5 years

S: What is your role in the group? How is it organized?

A2: First we started this demonstration because we are all undocumented and we do not get asylum and we are kicked on the streets, we are not allowed to stay in Holland. We cannot study, cannot find a place to sleep, cannot work. We build together a community after some people activists come to help and give us food, blankets. Some people find us some buildings to live in.

S: Who are these people?

A2: dutch people, they are a group. they do not belong to an NGO. They are also against the system; they say no border no nation. They organized the facebook page, theater, they make contact with other organizations and arrange aid as we do not have money.

We Are Here is now a company because we are a group of refugee people and after they organize they open an account for the group. We get recognition from the group theatre etc. then people try to send money. Everyday everyone person gets 10 euros a day. this is organized from the volunteers.

S: Do you what organizations donate the money?

A2: ' proud of our city' the other is ahhh i forget. our volunteers also work for the organization. they have an account and then they give us money.

Because we are trying to get our right, because our countries they sometimes throw us out, some come from war, and then we come here and then we get into other problems. Because we really cannot go back and we cannot stay here. That is why we are called: WE ARE HERE.

Our volunteers keep looking for other organizations to get help from.

A2: we don't get help from the government, we get help from the volunteers, Moroccans, dutch people, turkish. and no NGOs either

S: How do you find new places to stay?

A2: Our volunteers find them for us.

S: In the previous places did you talk to the owner of the building or did you just move in?

A2: First we take the building that is empty, then the police come and we explain our situation then the police say ah okay yeah the police can do nothing so they contact the owner and they ask us to contact the owner. then the owner decides if we stay here or not. Sometimes let us stay 2/3 months then we also make a court case then the court says that we need to get out.

We have a lawyer who files our case for the empty buildings.

S: who is your lawyer? Do you have one lawyer or many?

A2: he's called Rahul, I can give you his number

S: You wrote 10 letters to the parliament, not just appealing to the courts but also the government?

A2: but the government does not listen and does not do anything

S: do you think the BBB was that not the result of the protest?

A2: they only give us shelter but not 24 hours, so it is not sufficient. Also it is for people who were once citizens then lost their citizenship then others who lost their house so they can go sleep there. they can work, but we cannot do anything, so we dont get anything. The people say that they bring it for us, but we know that the people like junky people who already have paper and they have people that lose the house and they dont have shelter. but they are undocumented people. They make us crazy, in the day what am I supposed to do because in the day I do not have a job to go to, it is not my home if they kick me out before 24 hours.

S: Do you have access to medical care?

A2: no, we are not allowed to the hospital, we are not allowed to work, to study. We are not allowed to stay anywhere.

S: when you protest what kind of demands do you make? to the city/ municipality? is there a specific agenda?

A2: our agenda is one way, because we do not have freedom in this moment.

S: so are you looking for citizenship?

A2: no!no!no! it is not important if it citizenship, first we want the normal life; allowed to study and work, you are allowed to do something, when I wake up in the morning I have nothing to do, students go to university, we do not get normal life how we can get citizenship?

S: do you think there has been improvement since 'We are Here' started? have they gotten better have they become worse?

A2: this is social movement, our volunteers cannot change the law, they can only bring us food and assistance. but some Dutch people help....lists how they help. thats the only thing that has changed, a lot of the people from our group already get permits.

S: how many people are you now?

A2: different people there are different locations, 4 locations now with more than 200 people.

S: do you also get help from the church.

A2: We Are here not, but they have their own programs that help undocumented people. it is another squat that gets help from the church.

S: How is it that the church helps that group and not you?

A2: hahaha i dont know.

S: do you also get legal assistance from NGOs?

A2: some organizations tries to help and some come to us....thats it...thats all i know

S: What do you think of the BBB?

A2: The BBB is not good, because when i go 5 they come 9 and they come knock and they say hey wake up! and after then i go outside and outside what i do after? you dont get a room in the same day, you have to wait a few days, they make it so confusing you have to runaway yourself.

S: so the people who dont stay at the BBB/ in we are here what happens to them?

A2: they sleep in the street

S; do you have networks with other similar organization?

A2: we do, as we are different nationalities we make a cook book, there is an institute how to learn the language and also skill learning in berlin and they come here and we meet and we discuss. we disucss how we organize. also with people from Paris and Brussels. Hamburg...i dont know their name. last week they come to visit us and we had a workshop.

S: what kind of workshop was it?

A2: we discuss together the situation in Sudan from here to there and how we feel if home or not. I also go to meeting for political parties for Sudanese. But they are organized by Sudanese that have residence permits/ citizenship and their union in the Hague. We make study, in Germany you are allowed to work but you cannot get citizenship, they also get shelter.

A2: tells the story of how he ended up in Netherlands.

S: this is the 27th place that you are squatting and this information is on the internet, how is it that you are not evicted. get caught by the?