

## **(B)OrderS Expert Discussion: *Externalisation through Privatisation: The Role of Non-State Actors in Border Enforcement and Asylum Exclusion***

### **Abstracts and Speaker Profiles**

#### **Abstracts**

- [Professor Violeta Moreno-Lax](#) ((B)OrderS Centre, Queen Mary University of London): **The Effects of Hidden Coercion and Imperfect Delegation: Unpacking Carrier Sanctions**

Carrier sanctions constitute one of the earliest and legally most sophisticated examples of externalisation through privatisation. They are a central tool in the reconfiguration of the relationship between States and individuals, enacted explicitly to counter unauthorised immigration before it occurs. Commercial carriers are required to check travel documentation and ‘invited’ (under pain of sanctions) to reject boarding if persons on the move lack adequate visas / passports, whatever the underlying causes and without making any distinction on international protection or other grounds. As this paper will show, this is due to an elaborate process of ‘imperfect delegation’ that privatises border control through mechanisms of ‘hidden coercion’, which impede travel through lawful and safe means, disregarding the legal safeguards that would normally apply when government authorities intervene. Carrier sanctions thus become key vehicles of border violence, driving flows underground, irregularizing movement, and leaving protection seekers and migrants no alternative but to rely on smuggling services (or fall prey to traffickers) to reach safety and claim their rights.

- [Dr Federica Infantino](#) (Migration Policy Centre, EUI): **Inside Governance: The Role of Private Companies in Shaping Responses to Migration in Europe**

Although emblematic of states’ sovereignty, migration and border control is increasingly shared with nonstate actors most notably private for-profit organizations. Such a topic has deservedly received scholars’ attention. Several studies have focused on the business of bordering Europe before the actual arrival on the territory, the provision of technologies to police borders and strengthen the surveillance of foreigners, the direct implications of private companies in running immigration detention centers in the US and the UK and the outsourcing of visa application processes to transnational corporations across the globe. A series of questions have been raised, such as why do states shift their sovereignty outwards, what are the effects on the ground and the consequences of that choice. This paper aims at contributing to that vast body of literature by focusing on an overlooked aspect namely the role of private companies in shaping policy responses across national contexts. Based on empirical research on different domains of migration governance, from visa policies to detention, removal and asylum, this paper analyzes the ways in which private companies diffuse policy decisions and policy practices. It builds on sociological approaches to the study of policy diffusion, interpretive governance and adopts a transnational comparative perspective. It shows the processes whereby private actors proactively diffuse their presence, find the problems to be solved, share understandings and practices with state actors. In doing so, this paper aims at bringing insights on the informal processes that shape responses to migration in Europe most notably the role of private companies in influencing continuities and change.

- [Dr Martin Lemberg-Pedersen](#) (University of Warwick): **Actors and Lobbyism in EU markets for border control**

This paper addresses the privatization of border externalization policies by identifying political economic processes through which several border control dynamics have been facilitated and accelerated. In particular, the presentation will engage with the under-examined area of the actors and networks most active when it comes to corporate lobbying seeking to influence the development

of EU policies. The presentation will engage with three examples: i) Formal and informal lobbying networks and their interaction with EU bodies; ii) EU research funds used to accelerate private research and development of border control technologies; and iii) Frontex contracts for detention and expulsion under the EU-Turkey border collaboration.

- [Dr Amy Nethery](#) (Deakin University, Australia): **Privatisation and Secrecy in Australia's Offshore Processing Facilities**

Australia's immigration detention facilities, onshore and offshore, are operated by private companies. The arrangement with private operators, worth millions of dollars annually, has continued despite the detention facilities no longer being operational. In this presentation, Nethery provides an overview of these contracts, how they are won, who wins them, and what they are worth. She then provides some insight into how these private companies create a layer of opacity over operations within detention, both covering-up and causing harm to detainees, while enabling the Australian government to escape accountability.

## Speaker Profiles

### Dr Federica Infantino

[Dr Federica Infantino](#) is a Marie Skłodowska-Curie Fellow at the Migration Policy Centre of the European University Institute (EUI) whose project, 'DoMiCoP -the Diffusion of Migration Control Practice', focuses on the role of communities of practitioners in shaping migration and border control on the ground. She is particularly interested in the diffusion of practice and the involvement of non-state actors. Building on ethnographic methodologies and comparative perspectives, her [research](#) has analysed the day-to-day implementation of policy instruments of migration and border control -the Schengen visa policy and immigration detention and removal.

### Dr Martin Lemberg-Pedersen

[Dr Martin Lemberg-Pedersen](#) is Honorary Associate Professor at the University of Warwick. Before Warwick, he was an Associate Professor at the [Centre for Advanced Migration Studies](#), University of Copenhagen. Since 2019 he has been affiliated with the Advancing Alternative Migration Governance ([AdMiGov](#))-project, funded under the Horizon 2020 programme. Dr Lemberg-Pedersen's research involves interdisciplinary analyses of Western asylum, border and deportation practices, and military-technological-industrial relations, with recent publications focused on European and Danish externalization of border and asylum policies. Dr Lemberg-Pedersen is also Head of Policy and Society for [Amnesty International, Denmark](#).

### Professor Violeta Moreno-Lax

[Dr Violeta Moreno-Lax](#) is Full Professor of Law at Queen Mary University of London, specialising in international and EU law at the intersection with migration, asylum, border violence, and security. She is the founder and inaugural director of [\(B\)OrderS: The Centre for the Legal Study of Borders and Migration](#), a Visiting Professor at the [College of Europe](#), Legal Adviser and member of the Legal Action Committee of the [Global Legal Action Network \(GLAN\)](#), and founder and coordinator of [SAROBMED: The Search and Rescue Observatory for the Mediterranean](#). An internationally recognised expert in EU and international refugee and migration law, she regularly consults for the EU institutions and other organisations worldwide.

### Dr Amy Nethery

[Dr Amy Nethery](#) is a senior lecturer in politics and policy at Deakin University. She researches the development and impact of asylum policies in Australia and Asia. An important theme of her work is the analysis of asylum policy according to liberal and democratic norms of policymaking. She has a particular interest in immigration detention: its history, diffusion, and human impact. Dr Nethery is a network partner of the Comparative Network on Refugee Externalisation Policies (CONREP).

**Dr Tamara Tubakovic**

[Dr Tamara Tubakovic](#) is a Lecturer in Public Policy and European Studies (Teaching Fellow) in the Department of Political Science and International Studies at the University of Warwick and holds a PhD in Political Science from the University of Melbourne. Her research focuses on the institutional politics of EU asylum policy reforms, the interaction between ideas and crises in public policy, and the construction and consequences of refugee externalisation policies. Her current work includes exploring processes of policy convergence on refugee externalisation practices.