



# Border Extraterritoriality or Cosmopolitan Responsibility? Conceptualizing the Possibility of Asylum Claims *in absentia*

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**ABSTRACT** *An emergent issue for critical migration studies concerns the technological and diplomatic capacities of Western nation-states to externalize bordering practices. The extraterritorialization of border enforcement presents a dual problematic for migrants, intellectuals, activists, and civil-society members. They must navigate, on one hand, a pressing need to respond to the pre-emptive foreclosure of a “right to presence,” while on the other hand rethinking institutions of asylum to be capable of operating from a distance. In the following, I construct a new manner of thinking about border extraterritorialization in general, and in response, formulate rightful claims to asylum as articulated in absentia. Extraterritorialization practices and their logics are characterized by pro-jec-tion, through which they give rise to a “general domain of ends” predicated on nation-state irresponsibility, outside of law and outside of their territories. I then elaborate upon a notion of cosmopolitanism that characterizes grassroots actions attempting to address these bordering practices, ones that challenge state-centric frameworks of politics. In advancement of this position, I discuss how a relation of responsibility may be constructed from a distance through civil society initiatives (private sponsorship), counter-public networks (exemplified by WatchTheMed), and counter-institutions (the International Parliament of Writers). All these examples represent a form of communicative reach.*

**KEYWORDS** border extra-territorialization; pro-jec-tion; cosmopolitanism; communicative reach; responsibility; asylum claims *in absentia*; global right to relate

## Introduction

In 2018, the United States under President Donald Trump abruptly pivoted to an adjudication procedure that allowed for rejection of an asylum claim *in absentia*. This was situated under its Migrant Protection Protocol (MPP, better known as the “Remain in Mexico” policy). This policy resulted in an *in absentia* rejection rate of nearly 30,000 of its 41,000 adjudicated cases, many

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of whom missed their court date because they were forced to wait outside the United States (Kocher, 2021). Although its repeal was slowed by litigation from the state of Texas, the MPP was halted in 2021 under the Biden Administration (Lynch & Grenier, 2022).

We are now again confronted on a global stage with the fact of borders, but also with their restless incapacity to stay where they are. A key tension in international law and politics concerns emergent strategies of immigration and border enforcement that upend the fixed legal spatiality of sovereign territory as represented by a border (Raustiala, 2005). Further, these practices stand as evidence against the once popular contention of globalization theorists that states are losing control; rather they continue to transform in response to emerging conditions (Shachar, 2009). As the US *in absentia* rulings indicate, state-actors have generated new methods of asserting spatial control outside of international legal norms and principles, relying on increasingly *political* mechanisms to regulate porous borders (Hyndman & Mountz, 2008). These methods often deterritorialize their borders through measures operating on a political plane outside of law, and outside of the geospatial limits of their territories. In so doing, they sidestep key rights-based obligations they are otherwise duty-bound to uphold.

Yet, this also opens lines of flight from which to depart. This article contributes to discussion of border extraterritorialization and its possible responses from grassroots activists and organizations. I outline a framework for understanding extraterritorialization as a constellation of practices of *projection*; bordering practices are legible both as *means* seeking specific ends, and in gesturing toward a “general domain of ends.”<sup>1</sup> I stress that the state not only produces a division between interior and exterior, but entrenches an epistemological and ontological foundation foreclosing an encounter between strangers that would ground a common claim to justice. As such, I move to recapture a notion of responsibility from which we might think about responding to those ascribed a place at the furthest reaches of a border. In response to the projected world inscribed by extraterritorialization, I theorize a framework for migration claims that may be launched politically *in absentia*. An asylum claim *in absentia* is defined by the institutionalized capacity to seek and receive help in crisis, as maintained by the grassroots activities of individuals and organizations who call and respond to one another around the globe. In turn, an asylum claim *in absentia* expresses a “global right to relate” that complicates the projected state-centric framework underlying extraterritorial border enforcement measures.

I argue that we can think through concepts of “call” and “response” to model counter-institutions of *communicative reach*; where voice, speech, and the question “who is heard?” guide an analytic resistant to border enforcements

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<sup>1</sup> The “domain of ends” is borrowed from Immanuel Kant in the *Groundwork for the Metaphysics of Morals* (2002). Departing from Kant, the phrase is used to outline a theoretical space within which political actors project an ideal world that descriptively abides by their current actions, institutions, and material capacities.

that operate “elsewhere.” Three practices are considered: private sponsorship, counter-public sea-monitoring, and counter-institutions of municipal refuge. Their combination provides a robust and holistic model for grassroots agents to counteract forms of border extraterritorialization from various sites and deploying diverse strategies around the globe today.

### **The Break-up of the World: Border Extraterritorialization**

Extraterritorialization as a concept has been discussed in relation to both interdiction and externalisation measures. Gerald Kernerman (2008) defines the former as an attempt by liberal democratic states to block access to the refugee claims process by impeding a migrant’s access to the territory within which such claims are launched (see also, Shachar, 2008; Vedsted-Hansen, 1994). Predominantly, this has been achieved through specified visa restrictions placed on identifiable groups outside the nation-state (Kernerman, 2008; Young, 2018). These externalizing practices often circumvent international legal principles, in particular, those protecting refugees and asylum seekers against *refoulement* as outlined in the 1951 United Nations Convention Relating to the Rights of Refugees and its 1967 Protocol. Hyndman and Mountz (2008) coin the term *neo-refoulement* to capture how contemporary state practices “return asylum seekers and other migrants to transit countries or regions of origin before they reach the sovereign territory in which they make a claim” (p. 250).

Practices of extraterritorialization produce a shifting terrain of borders in two ways: border enforcement measures are increasingly applied further afield than the geographical *locus* of the border itself; and the once intact international legal framework of migrant protections is increasingly circumvented by discourses of “bogus,” “threatening,” or “dangerous” refugees. This is explained by Hyndman and Mountz (2008) to be a performative attempt “to produce the effect that it names,” to construct the conditions through which a refugee claim can be “legitimately” pre-empted as false (p. 251). What *neo-refoulement* amounts to is not merely a dual strategy of rhetorical and practical actions prohibiting refugee and asylum claimants from reaching a territory. It is also a wholesale self-absolution from the obligations of international law established for the protection of recognized human rights particularly against *refoulement*. In consequence, an emerging network of mobility controls emerges, one around which the rhetorical claims of irresponsibility – the “bogus refugee,” the “threat to borders,” and “refugee crisis” – become self-fulfilling (see also, Moreno-Lax & Lemberg-Pedersen, 2019).

In this way, a final cognate term seems especially important, that of “remote control.” First coined by Aristide Zolberg (1997), remote control captures how transatlantic consuls and visa issuance from a country of origin (China, at the time) allowed Western states to prop up a longstanding practice of exercising

control over immigration from afar (see FitzGerald, 2020). Through this practice, an emerging world-system of migratory controls comes into view in terms of “the gradual implementation of a system of migration management” (Samers, 2004, p. 43). Moreover, the combination of outsourcing and offshoring practices, alongside more expansive use of surveillance technologies, generates a “smart border” of potentially continent- or world-wide extraterritorial controls (Coté-Boucher, 2008; Shachar 2009; Young 2018). Both practices are observed in effect in Canada and the United States, in agreements with one another – the “Safe Third Country Agreement,” and a suite of collaborative border-enforcement arrangements – with Mexico and Guatemala, and in the infamous Guantanamo prison (Gilbert, 2019; Good Gingrich & Young, 2019; Young, 2018). Forms of remote control are also observed in the European Union, in agreements with Turkey, Libya, Tunisia, and Morocco, in their establishment of FRONTEX, and in their use of off-coast islands near Greece (Hambly, 2021). They are practiced by the Australian government, in agreements with Nauru and Manus Islands, and in their “excision” of Christmas Island as an offshore detainment facility (Ghezelbash et al., 2018).

Border extraterritorialization would be difficult to think of without reference to these cognate terms, as it denotes an attempt to gather diverse practices producing diffuse effects. It is both a set of technical practices and a rhetorical strategy of self-delimitation. Julie E. E. Young’s (2018) discussion of the “Canada-Mexico border” offers a key example. She identifies the discourse used by the Canadian government to implement a visa restriction invalidating refugee claims from Mexican nationals as “bogus economic refugees” in policy passed in 2009. But almost simultaneous to the Canadian government’s declaration that Mexico was a “safe country” – between July to August of the same year – they also created the Anti-Crime Capacity Building Program (ACCBP) in an attempt to bolster the security capabilities of the Mexican government. This would indicate the very opposite position to the earlier policy. Young (2018, p. 39) notes:

The policies that Canada implemented... appear as part of a coherent strategy to deter Mexican nationals from making refugee claims in Canada without regard for actual protection needs. Implicit in the concern for adequate Mexican policing and security is a desire to protect Canadians from Mexico’s insecurities.

Most disorienting, then, extraterritorialization operates *elsewhere* at the same moment that it asserts a territory *here*.

Accordingly, such practices bear both a “reterritorializing” assertion of a rightful and static border with the “deterritorialization” of the responsibilities and powers of sovereign states in a new paradigm of diffuse borders (Cote-Boucher, 2008; Moreno-Lax & Lemberg-Pedersen, 2019; Shachar, 2009). As a rhetorical strategy, extraterritorialization establishes the sovereign nation-state at the center of a constellation of practices that are meant to gesture to a “reality” it actively constructs (Agamben, 1998; Bauder, 2021; Butler, 2006;

Foucault, 2003). The more a state relies on regional and global strategies of territorial enforcement, the more they maintain hegemony over a field of reality by operating extra-territorially and extra-legally. From these specific instances, then, extraterritorialization also projects an ideal space by manipulating shared political realities – including the existence and efficacy of borders – while galvanizing a statist and nationalist frame of reference. Extraterritoriality is part of a generalizable *logic of sovereignty* (see Agamben, 1998; Correia, 2022), where state-actors actualize the ideals of a state-centric “domain of general ends” by deploying a “coherent logic of anticipatory interdiction” (Young, 2018, p. 36). Their techniques and objectives speak to a way of thinking and seeing the world – a form of projection – through which their measures express underlying assumptions about the world, which allows states to be self-referential and self-justifying.<sup>2</sup>

This circular logic proceeds by constructing the conditions whereby prospective (and legally recognizable) refugees are obstructed from arriving on a Western state’s shores. If this obstruction is successful, then a state can declare no refugee approval mechanism necessary. Young (2018) points to an important illustration of this in the seemingly distinct situations of Czech-Roma asylum claimants in 1997, and Mexican claimants from 2007-2013. In the former case, the use of visa restrictions as a form of interdiction was implemented for Roma peoples of the Czech Republic after it was found that more than 90% of claims were accepted by the Immigration and Refugee Board (IRB) – an implicit recognition of the persecution they faced. The Canadian refugee system was working “too well” (Kernerman 2008, pp. 238-239). In the latter case, Young reports, the relatively low (approximately 11%) acceptance rate of Mexican refugee claimants allowed officials to conclude that such claimants were largely “abusing the system” (p. 38). Nevertheless, in both cases the Canadian Government came to the same conclusion that approvals needed to be limited. Visas were restricted for Czech Roma and Mexican refugee claimants for the opposite reasons.

In contrast to the self-justifying and self-referential practices of states, competing regimes of international law, human rights and human security are often limited by state actors. Ghezelbash et al. (2018) note of search and rescue operations in Australia and the EU – under the *International Organization for Migration* (IOM) and following the *International Convention for the Safety of Life at Sea* (SOLAS, passed in 1974) – that such operations terminate at the moment when a member-state determines that a survivor’s safety is no longer in danger (p. 337). This margin of “determination” allows states to deploy a rhetorical framework limiting what is identified as a threat to a person’s life while maintaining a *genre* of “threat” to border-security that such life often represents. This latter threat to the sovereign right to determine “who arrives”

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<sup>2</sup> The tautological structure of sovereign power has been theorized extensively (see Agamben, 2005; Benjamin, 2009; Derrida, 2002; Girard, 1979; Schmitt, 2006).

– upon which border enforcement measures are legitimated – exists at all times. Indeed, strategies that suppressed boat arrivals in Australia were successful in the early 2000s at minimizing the overall number of asylum claimants (Hyndman & Mountz, 2008). The European Union’s coastguard (“FRONTEX”) also “successfully” turns away boats carrying prospective asylum claimants every year (Ghezelbash et al., 2018).

Attending to the practices of extraterritorialization helps us understand a (post-)colonial system of regulations upon the movements of peoples with global reach. Nandita Sharma (2020) outlines how state immigration controls have developed in tandem with the nation-state itself, in a globalized political *milieu* characterized provisionally as “modern,” and “Western,” but whose technologies of control remain concretely nationalist and imperialist (see also Foucault, 2003; Hardt & Negri, 2003; Torpey, 1999; Walia, 2021). Processes specific to globalization exemplify the greatest liquidity of capital while placing constraints on the movements of peoples that express racializing, nationalist, patriarchal and capitalist social formations (see Anderson et al., 2012; Balibar & Wallerstein, 2011; Bauman 2000a). Extraterritorial border enforcement measures fit within these global processes by further entrenching the division between the Global North and Global South, the rapid flow of wealth alongside the violent obstruction of human movement. Such practices have dramatic and far-reaching effects because they project an ideal situation where Western nation-states are not “disrupted” by in-flows of newcomers. Where these ideals are subverted by a competing reality, a state-centric framework projects the inclusion of rightful refugee claimants as “obscene,” “illegal,” or “threatening” (De Genova, 2013). In turn, the responsibility to offer asylum is approached as if unnecessary – suppressing the empirically grounded increase of global displacement affecting 80 million people today (Triandafyllidou & McAullife, 2021). At its most extreme, it accomplishes this by dispersing sites where legitimate asylum claims can be initiated and archived.

### **Cosmopolitan Responsibility and Asylum *in absentia***

What might be done in response to border extraterritorialization? States, implementing measures of extraterritorial border enforcement, seem also to seek absolution of responsibility for the wellbeing of those “outside” of their privileged domain even if they are not outside of their sphere of influence. Indeed, the edifice of extraterritorial border enforcements seems to have been so variously and sophisticatedly constructed as to maintain an image of humanitarian responsibility on a global stage while requiring no evidence to demonstrate it. In this case, instead of the activities of states, we must consider the practices of grassroots organizations. These organizations and their practices may be couched within state-based frameworks, but they may also prefigure institutions that transcend them. In turn, we are wont to consider how

grassroots organizing, counter-public networks, and attempts at counter-institutionalization allow for us to consider asylum claims made *in absentia*. An asylum claim *in absentia* is defined by the institutionalized capacity to seek and receive help in a moment of crisis as a right that extends to all persons in common, while being issued outside of a country of arrival. It is institutionalized not as a top-down politic of migration management, but the bottom-up and grassroots activities of individuals and organizations that call and respond to one another in development of politically meaningful relationships around the globe. In turn, an asylum claim *in absentia* complicates the projected state-centric framework underlying extraterritorial border enforcement measures, as a politic expressing a global right to relate.

In the following, I consider how this concept may be built out of three examples, including the private sponsorship system, the technical counter-public established by WatchTheMed, and the attempt at counter-institutionalization represented by the International Parliament of Writers. These examples provide an opportunity to consider the many facets of such a claim. Although an asylum claim *in absentia* is difficult to locate, we might consider how these three cases could be brought together within a political framework that allows it to be thought. They also provide us with a sliding scale of grassroots practices in terms of their relations to current state-centered frameworks. Where private sponsorship is a system still overseen by governments, technical counter-publics are often in tension with them, and counter-institutions are difficult to situate either “within” or “without.”

In theorizing asylum claims *in absentia*, we are engaging a politic of migration rather than relying on a legal framework. This does not mean we are building a politic “from the ground up.” There is a rich critical tradition of scholarship that uncovers cosmopolitanism in the solidarities between people on the margins of border enforcements. This includes the grassroots politics of liminal zones along the *outer* walls of borders, extraterritorial checkpoints, and refugee camps altogether distinct from the haughty image of a “jet-setting” cosmopolitanism (Agiar, 2016; Bauman, 2000b; Beck, 2007; Cheah & Robbins, 1998). The global expansion of bordering practices demands what Peter Nyers (2003) terms abject cosmopolitanism, where displaced subjects rendered speechless bring to light their struggles at the hands of mechanisms of border enforcement. He argues:

The abject put[s] the question of the speaking subject front and centre, under the limelight of critical scrutiny, and as an object of radical re-taking... When speechless victims begin to speak about the politics of protection, this has the effect of putting the political into question. (Nyers, 2003, p. 1089)

In light of such a radical questioning, abject cosmopolitanism becomes the founding of a radical project. Nyers has offered us a crucial point of departure to understand what grassroots organizations do about border enforcements, and

what conceptual tools may arise from observing them. However, because of the important issue that deportation poses, his formulation of cosmopolitan action was firmly situated within the borders of a single state.<sup>3</sup> Extraterritorialization pre-empts the possibility to resist deportation because it obstructs a person's capacity to reach a territory in the first place. In advancement of this line of inquiry, we might pick up where Nyers left off by considering practices of *communicative reach*. Practices of communicative reach are characterized by the attempt to reach across national divisions – through call and response – not only through “transnational” communicative solidarity, but also beyond a framework of extraterritorialization. Counter-institutional practices that respond to global phenomena of forced displacement also gesture toward a new cosmopolitan responsibility. In what ways can we observe them doing so?

#### *Civil Society Within the State: Private Sponsorship*

In practice, a system capable of responding to refugee and asylum claims *in absentia* already bears precedents. There is the global system of resettlement organized primarily by the United Nations High Commission for Refugees (UNHCR), in collaboration with other organizations – the Danish Refugee Council, International Catholic Migration Commission and RefugePoint. As a structure of support on an international scale, the UNHCR has implemented the Sustainable Resettlement and Complementary Pathways Initiative (CRISP). This initiative, they claim, “aims to support States and key stakeholders to establish, expand or renew resettlement programmes and advance complementary pathways of admission” (UNHCR, n.d.). Resettlement, under these conditions, already appeals to an international organization poised to coordinate human movement at a distance, but not on behalf of refugees. Instead, they act as mediators within a system of nation-states. The UNHCR's capacities extend only to that of support for the international state-system. In this way, we must again ask: what is to be done?

The category, Private Sponsorship of Refugees [PSR], has existed in Canada for over 40 years with longitudinally demonstrable effectiveness ensuring newcomers are settled and self-sufficient (Hynie et al., 2019; Kaida et al., 2020). It is also, itself, a member to this global regulatory regime of which we speak – under oversight, but bearing relative autonomy, from the Canadian Government.<sup>4</sup> “Private” here designates actors and organizations operating

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<sup>3</sup> Nyers analyzes the Comité d'Action des Sans-Statuts (CASS), an organization of precarious-status Algerians in Montréal who obstinately refused the Canadian state's deportation orders in 2002, following the formal end of the Algerian Civil War.

<sup>4</sup> Hyndman (2019) takes note of the Canadian Conservative Government's attempts to redirect private sponsorship into the Blended Visa Office Referred (BVOR) settlement system following their election in 2006. The BVOR was initially intended to place the responsibility to screen refugee claimants upon the UNHCR, and would add a layer of state authority over who arrives.

beneath the nation-state unit. As sub-state actors they also bear limited access to coordinated political and economic resources to adequately respond to global crises of forced displacement. However, in Canada, the private sponsorship system has benefited both from government approval, and from involvement of a variety of community-based and faith-based agents directly in the refugee settlement process. (Macklin et al., 2018). Part of its appeal is how it circumvents restrictive government processes in order to act presently – without waiting – upon the urgent need to respond to displacement (Hyndman, 2019). It opens new pathways for prospective refugees and nominally ensures that a recent newcomer has social supports while navigating the job market, citizenship processes, housing, and family accommodations. It also fashions an early social network for those who would otherwise have no relations to depend on (Hynie et al., 2019; Kaida et al., 2020). As such, it has gained increasing consideration in Canada and abroad (Hynie et al., 2019; Reynolds & Clark-Kazak, 2019).

But private sponsorship can be an ambivalent practice. Critical appraisals of the PSR in Canada, and private sponsorship processes in other countries (e.g., Australia’s Community Support Program [CSP]) have found issue with the privatization of refugee resettlement, which does not depart from the increasingly narrow humanitarian resettlement programmes of these countries (Hirsch et al., 2019). Nor does it depart from Orientalist rescue narratives of “refugeedom” as a classification of victimhood, the citizen their “saviour” (Hyndman, 2019). Even more difficult, the expenditure of time, effort and thought implicit in private sponsorship leaves little room for meaningful reflection on this dynamic’s problems and the institutions that effect it (Elcioglu, 2023). Much like the problems facing Search and Rescue operations, private sponsorship is hindered by both its practical placement within the general domain and logic of states, while at least hinting at lines of flight beyond them. As a logic, private sponsorship does not necessarily fashion its own discursive ground, but relies on nationalist narratives of welcome, of “creating Canadians” through paternalist and passive orientations exhibited by sponsors – even while opening the possibility for a mutualist orientation that commits to treating newcomers as equals (Haugen et al., 2020). This is further expressed by overarching scalar relations of power, where the state can impose a legal framework upon newcomers and sponsors demanding they become independent quickly, while remaining absolved of responsibility for their well-being (Ilcan & Connoy, 2021).

If private sponsorship demonstrates the possibility to engage a humanitarian responsibility outside the representative field of the state, it might still generate a dyad between helper-citizen and helped-newcomer, ultimately centering the sponsor over refugees themselves. This is demonstrated in how sponsors

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What is most interesting about the BVOR program, Hyndman notes, is how private sponsors resisted it (2019, pp. 20-21).

express frustrations toward newcomers – for example, when they are not especially thankful for the survival jobs they are expected to work. Such a dynamic can even carry over into the ways sponsors frame the need for newcomers to gain “independence” within their first year, as something within the control of the *sponsor* as the primary agent of their relationship (Good Gingrich & Enns, 2019). Rather than a newcomer being positioned in the center of their own narrative, the sponsor becomes the “protagonist.” However, it is in this dynamic that refugee newcomers often problematize this relationship and retake agency in decisions that – aligned or in tension with their sponsors – demonstrate their capacity to direct their own lives. For this reason the system of private sponsorship is an important first example of an agent-centered attempt to work beyond state-centric frameworks. Not only does private sponsorship rely on the absolution of state authorities over the granular details of refugee settlement, including who is chosen and by what criteria. It also opens the possibility for refugees to reassert agency by refusing to be grateful for inadequate living conditions and unfulfilling work, in turn displacing the power dynamic between “host” and “guest” (Good Gingrich & Enns, 2019).

Still, private sponsorship fails to address a key problematic of absence affecting a cosmopolitan responsibility in general as illustrated by strategies of border extraterritorialization; how does such a localized institution, privately – without relying on the state – reach toward public and geographically expanded capacities for identifying obstructions to the resettlement process and those who need it? How, in other words, does a practice couched within the state achieve a public and networked reach beyond that state’s borders, facilitating such a response?

#### *Technical Counter-publics: WatchTheMed-AlarmPhone*

A certain vigilance toward the exterior dynamics of global displacement is illustrated by coordinated technical networks where one might overhear word of emergent conflicts, emergencies, or crises taking place *elsewhere*, and find ways of meaningfully responding (Monforte, 2016). The work of WatchTheMed may best illustrate this kind of network. Initiated in the “Boats4People” campaign of 2012, WatchTheMed was established with the goal of casting light on overlooked instances of European and FRONTEX officials or institutions, as well as commercial ships, inadequately responding to vessels in distress along the Mediterranean. This included the widely publicized “left-to-die” incident of 2011, where 72 African refugees departed from Tripoli to reach the European coast, and only nine survived (Shenker, 2012; Stierl, 2016). Most disconcerting about the incident, emergency calls were issued, and the boat was located by European coastguard officials, but no search and rescue procedure was initiated. In response to this and other such instances, WatchTheMed works in five key ways. First, it maintains a database

of information about the rights and protections of migrants and vessels at sea. Second, it monitors, maps (using georeference and satellite technologies), and gathers reports or witness testimonies of events where these rights are violated. Third, it collects reports of ongoing or past violations, which are then mapped and publicized. Fourth, WatchTheMed pressures authorities to respond to the distress calls of migrants at sea through this act of publicization. Finally, it submits reported information as evidence to inform legal cases holding bodies that neglected to act during a maritime emergency accountable (WatchTheMed, n.d.).

The mandate of WatchTheMed is limited – they do not have the boats necessary to patrol the Mediterranean themselves in search and rescue operations, nor to contest FRONTEX and national patrols of the Schengen area. However, they do maintain a watch for vessels and the numerous authorities that attempt to halt their reaching Europe. They keep vigil over the right to asylum on behalf of others, and they publicize these contentions on a global stage. Furthermore, WatchTheMed expands on a need to institutionalize refugee passage across the Mediterranean. This is taken up, in particular, by relying on networks of social media technologies to be notified of emergent global conflicts and emergencies to which they must respond, and to notify others (Noori, 2022). Their extended operation, WatchTheMed-AlarmPhone, serves as a crucial response in amplifying a call of distress for boats in peril in the Mediterranean, especially where EU and state-actors refuse to respond. That such a non-governmental organization is tasked with this work also gives greater leverage to enact a grassroots counter-public (see Werner, 2005), wherein the publicized rhetoric of state-actors is contested in discourse and practice. That is, WatchTheMed engages with emergent social media ecosystems in a mobile commons (Stierl, 2016). Furthermore, demonstrating the humanitarian failings of the EU and FRONTEX, WatchTheMed also provides an empirical basis of vigilant documentation in hopes of initiating large-scale structural redress. In the meantime, they have built a public archive accessible wherever a person can reach their website.

The ways that organizations like WatchTheMed establish grassroots and technologically robust counter-publics seems capable of responding tentatively to the most extreme formulations of border extraterritorialization. However, reliance on technical networks and social media publics are not the only such coordinated efforts we might think of to develop a cosmopolitical response to these conditions. We might also look toward novel decision-making structures in a diffuse parliamentarianism attentive to those left unrepresented by state politics and the critical potential of transnational public fora that are built atop technical networks capable of facilitating their advancement. Through such institutionalization, one can glimpse a horizon of common belonging and assertion of common rights not yet fully grasped or attempted.

*Counter-Institutionalization: The International Parliament of Writers*

Modelling and exploring preparatory institutions of solidarity is perhaps the farthest possible step in response to extraterritorialization. The politics of sanctuary has been, perhaps, the most prominent in this respect (see Bauder, 2019; Godoy & Bauder, 2022). However, sanctuary politics has so far been constrained to construct only the internal conditions of cities for a form of solidarity-oriented secrecy – Don't Ask Don't Tell (DADT) policies – or to expanding access to municipal public services. As a beacon, nonetheless, the promise of protection in the city is a powerful gesture that can open a concrete way of imagining how to institutionalize the arrival of displaced peoples.

One model would be that of the International Parliament of Writers (IPW). The IPW was established in the early 1990s in response to the assassination of Tahar Djaout at the purported hands of Islamic extremists in 1993, during the Algerian Civil War. It was also established in response to the *fatwa* issued against Salman Rushdie by Iranian Ayatollah Khomeini in 1989 (see Rushdie, 2012). Beyond this, its vision encompassed an overarching attempt to institutionalize a form of cosmopolitan responsibility in a network of cities of refuge. The over 300 signatories of the IPW declared that the continued targeting of writers was something that states and presumed “national communities” could not effectively respond to, requiring that they look toward cities and municipal institutions to perform the necessary task of sheltering targeted or displaced writers in a globalized world. It was organized by prominent figures of French philosophy, Jacques Derrida, Pierre Bourdieu, Jean Luc Nancy and Philippe Lacoue-Labarthe, as well as members of Strasbourg's city council, Catherine Trautmann (then mayor) and Christian Salmon. Its mandate was ambitious, conceiving of an institution that would connect multiple cities in a global network of refuge. Salman Rushdie was named the first President of the IPW in 1994 and gave one of his most famous speeches as a public address, a “Declaration of Independence.” So too, Jacques Derrida contributed a statement of intent for the IPW and cities of refuge network, entitled “Cosmopolites de tous les pays, encore un effort!”<sup>5</sup>

The IPW proceeded in two ways. First, it leveraged the global renown of its membership of literary figures and public intellectuals lobbying their municipalities for a declaration and resources to shelter writers seeking refuge. In this way, it could successfully establish a network of cities of asylum. Second, the members of the IPW launched a literary journal of loosely collected literary works under the title *Autodafé*, with contributions from Wole Soyinka, Mahmoud Darwish, Hélène Cixous, Naguib Mahfouz, Svetlana Alexievitch, Mary Gaitskill, Assia Djebar, Bei Dao and Russell Banks amongst others. In their writings, members of the IPW achieved two key goals. They spoke out against the injustices enacted or overlooked by state-actors or powerful groups. They also spoke up in a literary forum with global public

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<sup>5</sup> Translated in *On Cosmopolitanism and Forgiveness* (Derrida, 2001).

reach, in multiple languages and accessible in various places. In both initiatives, then – the cities of refuge network, and the literary production of the IPW – the goal of the parliament was both discursive and material, to provide a meaningful counter-institution not only capable of “speaking back” against forms of injustice, but in materially sheltering those who speak and what they say, as practices of global urban solidarity and refuge. Communicative reach is that practice whereby the “thing that is said” and “the one who speaks it” is sheltered by an institution reaching across the borders of a contemporary international system of nation-states.

The movement toward “parliament” is not exclusive to the IPW. Between 2017 and 2018, there were at least three instances of attempted parliamentarianism also resonant of the possibility to translate migration justice into concrete institutions. In 2017, a student parliament convened under the United Nations Relief and Works Agency representing the over 500,000 students in its five fields of operation (Jordan, Lebanon, Syria, Gaza, and the West Bank). In June 2018, a Global Summit of Refugees met in Geneva, Switzerland, in advancing the claim “nothing about us without us.” A third “Refugee and Migrant Parliament” was self-organized in coordination with the European Parliament (EP), involving representatives of over one hundred refugee and migrant organizations (Cohen & Van Hear, 2020). These initiatives attempt to address the marginalization of agents while representing a global community from the localities where they reside. Critically, they do not simply claim more “consistent” rights-based politics issued from within formal bodies like the UNRWA or the EP. They are, rather, the self-assertion of those made vulnerable by decisions in those bodies. Cohen and van Hear (2020) relay such a claim in the Refugee and Migrant Parliament of the EP: “we demand to be included in policy making when it concerns our lives” (p. 63). In this way, a newly founded parliament for refugees and migrants intervenes into established processes by centering the voices of those left unrepresented.

The institutionalization of more inclusive political spaces is at once necessary and incomplete. Foregrounding the problem of voice against silence must be a responsible activity – one that responds to others – before it is a representative one – speaking on behalf of others. To this problem there are few answers, although the IPW could provide much to learn from. In its original state, the IPW organized space for writers seeking refuge to engage in public debate, and in advancement of their writing, not for the aggrandizement of host cities. As such, the IPW was ambitious not only for its scope, but in its attempt to maintain the possibility of a question of open community, one that also introduces an uncomfortable measure of ambiguity into formalized institutions. The properly parliamentary activity of the IPW is no longer in effect – it was dissolved in 2005 – and its literary wing, *Autodafé*, would produce only four volumes in its short lifespan. However, under a new name, the *International Cities of Refuge Network* (ICORN), its most ambitious

project lives on. ICORN houses writers, musicians, and artists in more than 70 declared cities of refuge in three continents around the world (ICORN, n.d.).

## **Conclusion**

In the cases discussed here, non-state actors bear three distinctive, but intertwined responsibilities articulated through a new understanding of cosmopolitanism. These responsibilities do not only imply a normative demand to respond to extraterritorialization. They also model the ability to respond by prefiguring and working toward the sustainable establishment of institutions allowing this response. We might articulate these responsibilities separately. Firstly, there is a responsibility to identify sub-state actors and locales from which claims for asylum or refuge may be met with the resources for their settlement; this is something that contemporary private sponsorship prefigures. Yet, it would be impossible for those claims to be launched were it not for how we already encounter others across the abyss of increasingly effective and far-reaching border enforcement measures. For this, secondly, the technical infrastructures that establish counter-publics are crucial. This is because they hold states accountable for actions beyond their borders, and open points of contact between those within the territory from which an asylum claim is launched with those held outside. From this vantage point the advancement of new institutional realities constitutes a third responsibility to ensure that the demands of the previous two are sufficiently actualized, and where the needs of subjects are sufficiently met in a globalized world.

Nonetheless, the scattered ways that languages and those who use them travel, encounter one another, develop, and transform are not exclusive to cosmopolitan responsibility. Border extraterritorialization points to how Western states already operate transnationally, beyond borders in discourse and practice. Such states produce the conditions through which their own sovereignties can be asserted outside of their territories and the spaces of their borders. These practices intersect with rhetorical strategies used by states to present rightful refugee and asylum-claimants as “threatening” or “bogus,” and whose audience is global. Instead of expanding the means whereby forms of displacement find international response, these states produce complex and often contradictory frameworks that justify increasingly irresponsible and violent measures to protect their borders.

Alongside attempts to reckon with these practices directly, we must also consider counter-projects that provide alternatives to the world projected by them. In response, I have attempted to articulate a new form of responsibility built upon a cosmopolitan right to asylum *in absentia*. Because extraterritorialization is a political practice that disrupts legal frameworks, an asylum claim launched *in absentia* is also a political claim. Where extraterritorial border enforcement produces irresponsibility and absolves states of a relation with non-citizens in distress, an asylum claim *in absentia*

indicates a global *right to relate* – a right shared in common – that private sponsorship, the counter-public and technical network of WatchTheMed, and the counter-institutional model of the International Parliament of Writers gesture toward. An asylum claim *in absentia* requires agents, as members of a civil society, to recognize a responsibility to those who they do not share territorial space with (defined by states and their border enforcements). Such a civil society recognizes prospective members on a global scale alongside a local community as common political relations (Kaldor, 2003). A claim of asylum *in absentia* also requires a robust technical network of communication and publicization, and to archive both these relationships and the moments they are foreclosed as holding political weight. Finally, an asylum claim *in absentia* relies on the slow consolidation of institutions that expand on networks of telecommunication to encompass entire cities and entire political arrangements – a network of cities of refuge and concomitant parliamentarianism that rebalances the right of political voice in favour of those marginalized by present bordering practices.

In this way, an asylum claim *in absentia* is defined by the institutionalized capacity to seek and receive help in a moment of crisis, one that should be possible to initiate from anywhere in the world. It is institutionalized not as a top-down politic of migration management, but the bottom-up and grassroots activities of individuals and organizations that call and respond to one another in development of politically meaningful relationships around the globe. Such a claim can only be achieved if institutions that situate local responses, that organize technical systems of publicity, and that provide the space for sheltering the person, their voice, their speech, characterize a globalized world. In the common refrain of the World Social Forum, *another world is possible* wherein asylum claims launched at a distance are imaginable, and where such claims find meaningful response. In practice, I believe that asylum claims *in absentia* look like the institutionalization of strategies used by grassroots movements, organizations and civil-society members that facilitate the arrival of peoples into protected spaces from which they can assert a right to presence. I hope that having outlined such a framework I will have made a small contribution to a vast body of critical scholarship placing this far-reaching problematic into focus, while finding pathways for encountering others in a common globalized world.

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## References

- Agamben, G. (1998). *Homo Sacer: Sovereign power and bare life*. Stanford University Press.
- Agamben, G. (2005) *State of exception*. University of Chicago Press.
- Agier, M. (2016). *Borderlands: Towards an anthropology of the cosmopolitan condition* (D. Fernbach, Trans.; English edition). Polity Press.
- Anderson, B., Sharma, N., & Wright, C. (2012). We are all foreigners': No borders as a practical political project. In P. Nyers & K. Rygiel (Eds.), *Citizenship, migrant activism and the politics of movement* (pp. 73-91). Routledge.
- Balibar, E., & Wallerstein, I. (2011). *Race, nation, class: Ambiguous identities*. Verso Books.
- Bauder, H. (2019). Urban sanctuary in context. In H. Bauder & J. Darling (Eds.), *Sanctuary cities and urban struggles* (pp. 25-49). Manchester University Press.  
<http://www.jstor.org/stable/j.ctv18b5jr3.7>
- Bauder, H. (2021). State of exemption: Migration policy and the enactment of sovereignty. *Territory, Politics, Governance*, 9(5), 675-690.  
<https://doi.org/10.1080/21622671.2020.1746389>
- Bauman, Z. (2000a). *Liquid modernity*. Polity.
- Bauman, Z. (2000b). *Globalization: The human consequences*. Columbia University Press.
- Beck, U. (2007). The cosmopolitan condition: Why methodological nationalism fails. *Theory, Culture & Society*, 24(7-8), 286-290. <https://doi.org/10.1177/02632764070240072505>
- Benjamin, W. (2009). On the critique of violence. In J. A. Underwood (Trans.), *One-way street and other writings*. Penguin.
- Butler, J. (2006). *Precarious life: The powers of mourning and violence*. Verso.
- Cheah, P., & Robbins, B. (Eds.). (1998). *Cosmopolitics: Thinking and feeling beyond the nation*. University Of Minnesota Press.
- Cohen, R., & Hear, N. V. (2020). *Refugia: Radical solutions to mass displacement*. Routledge.
- Correia, T. (2022). *The open city: A grammarology of migrant-rights movements and the logic of sovereignty* [Unpublished PhD dissertation, York University].  
<http://hdl.handle.net/10315/41000>
- Côté-Boucher, K. (2008). The diffuse border: Intelligence-sharing, control and confinement along Canada's smart border. *Surveillance & Society*, 5(2).  
<https://doi.org/10.24908/ss.v5i2.3432>
- De Genova, N. (2013). Spectacles of migrant 'illegality': The scene of exclusion, the obscene of inclusion. *Ethnic and Racial Studies*, 36(7), 1180-1198.  
<https://doi.org/10.1080/01419870.2013.783710>
- Derrida, J. (2001). *On cosmopolitanism and forgiveness*. Routledge.
- Derrida, J. (2002). Force of law: The "mystical foundation of authority." In G. Anidjar (Trans.), *Acts of religion* (pp. 228-298). Routledge.
- Elcioglu, E. F. (2023). Neoliberal fatigue: The effects of private refugee sponsorship on Canadians' political consciousness. *Critical Sociology*, 49(1), 97-113.  
<https://doi.org/10.1177/08969205211064924>
- FitzGerald, D. S. (2020). Remote control of migration: Theorising territoriality, shared coercion, and deterrence. *Journal of Ethnic and Migration Studies*, 46(1), 4-22.  
<https://doi.org/10.1080/1369183X.2020.1680115>
- Foucault, M. (2003). *Society must be defended: Lectures at the Collège de France, 1975-76*. Picador.
- Gilbert, E. 2019. Elasticity at the Canada-US border: Jurisdiction, rights, accountability. *Environment and Planning C: Politics and Space*, 37(3), 424-441.  
<https://doi.org/10.1177/2399654418787190>.
- Girard, R. (1979). *Violence and the sacred* (P. Gregory, Trans.). Johns Hopkins University Press.
- Ghezelbash, D., Moreno-Lax, V., Klein, N., & Opeskin, B. (2018). The securitization of search and rescue at sea: The response to boat migration in the Mediterranean and Offshore Australia. *International & Comparative Law Quarterly*, 67(2), 315-351.  
<https://doi.org/10.1017/S0020589317000562>
- Godoy, M., & Bauder, H. (2022). Sanctuary and solidarity cities in the Global South: A review of Latin America. In M. B. Jørgensen & C.-U. Schierup (Eds.), *Contending global*

- apartheid, transversal solidarities and politics of possibility* (pp. 224-244). Brill.  
[https://doi.org/10.1163/9789004514515\\_011](https://doi.org/10.1163/9789004514515_011)
- Good Gingrich, L., & Enns, T. (2019). A reflexive view of refugee integration and inclusion: A case study of the Mennonite Central Committee and the Private Sponsorship of Refugees Program. *Refuge*, 35(2), 9-23.
- Good Gingrich, L., & Young, J. E. E. (2019). Borders for profit: Transnational social exclusion and the production of the NAFTA border. *International Journal of Migration and Border Studies*, 5(1-2), 64-81. <https://doi.org/10.1504/IJMB.2019.099682>
- Hambly, J. (2021). International refugee law in crisis: Islands, incarceration and neo-refoulement during COVID-19. *The Australian Year Book of International Law Online*, 39(1), 49-64. <https://doi.org/10.1163/26660229-03901005>
- Hardt, M., & Negri, A. (2003). *Empire*. Harvard University Press.
- Haugen, S., Lenard, P. T., & Regan Wills, E. (2020). Creating Canadians through private sponsorship. *Canadian Journal of Political Science*, 53(3), 560-576. <https://doi.org/10.1017/S0008423920000244>
- Hirsch, A. L., Hoang, K., & Vogl, A. (2019). Australia's private refugee sponsorship program: Creating complementary pathways or privatising humanitarianism? *Refuge*, 35(2), 109-122. <https://doi.org/10.7202/1064823ar>
- Hyndman, J. (2019). Unsettling feminist geopolitics: Forging feminist political geographies of violence and displacement. *Gender, Place & Culture*, 26(1), 3-29. <https://doi.org/10.1080/0966369X.2018.1561427>
- Hyndman, J., & Mountz, A. (2008). Another brick in the wall? Neo-"refoulement" and the externalization of asylum by Australia and Europe. *Government and Opposition*, 43(2), 249-269.
- Hynie, M., McGrath, S., Bridekirk, J., Oda, A., Ives, N., Hyndman, J., Arya, N., Yogendra, B. S., Hanley, J., & McKenzie, K. (2019). What role does type of sponsorship play in early integration outcomes? Syrian refugees resettled in six Canadian cities. *Refuge*, 35(2), 36-53. <https://doi.org/10.7202/1064818ar>
- Ilean, S., & Connroy, L. (2021). On critical localism and the privatisation of refuge: The resettlement of Syrian newcomers in Canada. *Refugee Survey Quarterly*, 40(3), 293-314. <https://doi.org/10.1093/rsq/hdab006>
- ICORN (International Cities of Refugee Network). (n.d.). About ICORN. Retrieved February 2, 2023. <https://www.icorn.org/about>
- Kaida, L., Hou, F., & Stick, M. (2020). The long-term economic integration of resettled refugees in Canada: A comparison of Privately Sponsored Refugees and Government-Assisted Refugees. *Journal of Ethnic and Migration Studies*, 46(9), 1687-1708. <https://doi.org/10.1080/1369183X.2019.1623017>
- Kaldor, M. (2003). *Global civil society: An answer to war*. Polity.
- Kant, I. (2002). *Groundwork for the metaphysics of morals* (J. B. Schneewind, Ed.; A. W. Wood, Trans.). Yale University Press.
- Kernerman, G. (2008). Refugee interdiction before heaven's gate. *Government and Opposition*, 43(2), 230-248.
- Kocher, A. (2021). Migrant protection protocols and the death of asylum. *Journal of Latin American Geography*, 20(1), 249-258. <https://doi.org/10.1353/lag.2021.0010>
- Lynch, L., & Grenier, A. (2022). *Remain in Mexico is alive and well: Current disenrollment process harms vulnerable asylum seekers* (Policy Brief AILA Doc. No. 22092031). American Immigration Lawyers Association and National Immigration Law Center.
- Macklin, A., Barber, K., Goldring, L., Hyndman, J., Korteweg, A., Labman, S., & Zyfi, J. (2018). A preliminary investigation into private refugee sponsors. *Canadian Ethnic Studies*, 50(2), 35-57. <https://doi.org/10.1353/ces.2018.0014>
- Monforte, P. (2016). The border as a space of contention: The spatial strategies of protest against border controls in Europe. *Citizenship Studies*, 20(3-4), 411-426. <https://doi.org/10.1080/13621025.2015.1075471>

- Moreno-Lax, V., & Lemberg-Pedersen, M. (2019). Border-induced displacement: The ethical and legal implications of distance-creation through externalization. *Questions of International Law*, 56, 5-33.
- Noori, S. (2022). Navigating the Aegean Sea: Smartphones, transnational activism and viapolitical in(ter)ventions in contested maritime borderzones. *Journal of Ethnic and Migration Studies*, 48(8), 1856-1872. <https://doi.org/10.1080/1369183X.2020.1796265>
- Nyers, P. (2003). Abject cosmopolitanism: The politics of protection in the anti-deportation movement. *Third World Quarterly*, 24(6), 1069-1093.
- Raustiala, K. (2005). The geography of justice. *Fordham Law Review*, 73(6), 2501.
- Reynolds, J., & Clark-Kazak, C. (2019). Introduction: Special issue on private sponsorship in Canada. *Refuge*, 35(2), 3-8. <https://doi.org/10.7202/1064815ar>
- Rushdie, S. (2012). *Joseph Anton: A memoir*. Vintage Canada.
- Samers, M. (2004). An emerging geopolitics of “illegal” immigration in the European Union. *European Journal of Migration and Law*, 6(1), 27-45. <https://doi.org/10.1163/1571816041518750>
- Schmitt, C. (2006). *Political theology: Four chapters on the concept of sovereignty* (G. Schwab, Trans.). University of Chicago Press.
- Shachar, A. (2009). The shifting border of immigration regulation. *Michigan Journal of International Law*, 30(3), 809-839.
- Sharma, N. (2020). *Home rule: National sovereignty and the separation of natives and migrants*. Duke University Press.
- Shenker, J. (2012, March 28). Migrants left to die after catalogue of failures, says report into boat tragedy. *The Guardian*. <https://www.theguardian.com/world/2012/mar/28/left-to-die-migrants-boat-inquiry>
- Stierl, M. (2016). A sea of struggle – activist border interventions in the Mediterranean Sea. *Citizenship Studies*, 20(5), 561-578. <https://doi.org/10.1080/13621025.2016.1182683>
- Torpey, J. (1999). *The invention of the passport: Surveillance, citizenship and the state*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511520990>
- Triandafyllidou, A., & McCaulliffe, M. (2021). *World migration report 2022*. International Organization for Migration (IOM).
- United Nations High Commissioner for Refugees. (n.d.). *How we do resettlement*. UNHCR. Retrieved February 2, 2023, from <https://www.unhcr.org/partnership-resettlement.html>
- Vedsted-Hansen, J. (1994). The legal condition of refugees in Denmark. *Journal of Refugee Studies*, 7(2-3), 249-259. <https://doi.org/10.1093/jrs/7.2-3.249>
- Walia. (2021). *Border & rule: Global migration, capitalism, and the rise of racist nationalism*. Fernwood Publishing.
- WatchTheMed. (n.d.). About WTM. *WatchTheMed*. Retrieved February 2, 2023, from <https://watchthemed.net/index.php/page/index/3/>
- Werner, M. (2005). *Publics and counterpublics*. Princeton University Press.
- Young, J. E. E. (2018). The Mexico-Canada border: Extraterritorial border control and the production of “economic refugees.” *International Journal of Migration and Border Studies*, 4(1/2), 35-50. <https://doi.org/10.1504/IJMS.2018.091225>
- Zolberg, A. R. (1997). The Great Wall against China. In J. Lucassen & L. Lucassen (Eds.), *Migration, Migration History, and History: New Perspectives* (pp. 111-121). Peter Lang.