



**Asylum seekers in a fortified Europe:  
The case of Albania and the effects of structural  
violence on asylum seekers**

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## Declaration Form

The work I have submitted is my own effort. I certify that all the material in the Dissertation that is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Senada Rexha

Date: 23 May 2016



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## Abstract

The plight of migrants and refugees has been generating a lot of debates and it has continuously attracted attention of scholars and policy makers. A wide range of studies have contributed to our understanding to the root causes of migration however, various approaches and perspectives offer different insights worth to be considered.

In terms of human rights; asylum seekers coming from war-torn countries or people fleeing direct and open persecution are assigned the status of refugee, but asylum seekers leaving the country to escape other human rights violations are mostly refused protection, which is provided only through the refugee status.

Through the case of Albanian asylum seekers in Europe – which last year were listed second after Syrians heading to Germany and third in EU – and applying the theory of structural violence, I will try to shed light on the overshadowed reasons people migrate, and how the concepts of migrants and refugees apply to current movements of Albanian asylum seekers in Europe. Furthermore, this research aims at exploring how compatible with human rights is the approach of certain individual European states towards Albanian asylum seekers. Finally, through the focus on individual agency, I will show how asylum seekers respond to structural violence.

**Key Words:** asylum seeker, structural violence, external structural violence, internal structural violence, refugee, migrant, human rights.

## **List of Abbreviations**

<b>EEA</b>	European Economic Area
<b>EU</b>	European Union
<b>ICCPR</b>	International Convention on Civil and Political Rights
<b>ICESR</b>	International Convention on Economic Social and Cultural Rights
<b>IDP</b>	International Displaced People
<b>NGO</b>	Non-governmental organisation
<b>RF1</b>	Refugee Consultant 1
<b>RF2</b>	Refugee Consultant 2
<b>SV</b>	Structural Violence
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UK</b>	United Kingdom
<b>UNHCR</b>	United Nations High Commissioner for Refugees

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# CHAPTER I

## INTRODUCTION AND PROBLEM STATEMENT

### **Problem area in focus**

The escalating flow of asylum seekers heading to Europe during the last three years and how host states are dealing with this issue, have raised an unprecedented debate among scholars, policy makers and other national and international stakeholders.

For the purpose of this study, it is important to bear in mind some definitions regarding the categories of ‘asylum seekers’, ‘refugees’ and ‘forced migrants’ under international law. According to international legal provisions, “an asylum seeker is someone who has applied for asylum and is waiting for a decision as to whether or not they are a refugee.” ([www.unhcr.org.uk](http://www.unhcr.org.uk), 2016). While a refugee is someone who, after accomplishing conditions provided in the Refugee Convention (see page 8) is assigned the status of refugee. In regard to the concept of ‘forced migrant’, there is no official international legal provision which defines and regulates it (Zetter 2007). However, compared to refugees, “forced migrants are one category in a much larger population of migrants who are moving for equally complex but essentially voluntary reasons” (Zetter 2007, p.179).

Although the general debate is directed towards refugees fleeing war-torn countries, there is another category of asylum seekers to which little attention has been paid. According to recent statistics from EUROSTAT, the number of asylum seekers coming from Albania and other Balkan countries is listed immediately after the Syrian and Afghanistan asylum seekers. The percentage of asylum seekers in the EU by citizenship in the second quarter of 2015 stood at 21% from Syria, 13% Afghanistan, 8% Albania, 5% Kosovo, 2% Serbia ([www.ec.europa.eu](http://www.ec.europa.eu), 2015). Bearing in mind that the population of Syria is approximately six times the population of Albania and the fact that Syria is in a war situation, it is necessary to have a deeper insight into this issue and try to understand the root causes of Albanian migration. Using the example of Albanian asylum seekers, I will try to argue how structural violence (SV) contributes to migration flows, and at the same time demonstrating how SV is also embedded in the asylum

policies; how it relates to peoples' individual strategies of mobility and what implications it entails for the migrant-refugee concepts.

## **Research scope**

Since the fall of communism in 1991, Albania has been going through an extended period of transition reflected in weak law enforcement, high prevalence of corruption, poor economy and high levels of judicial injustice (Fischer 2007, Vullnetari 2007). Being a citizen of Albania, I came to know the harsh realities surrounding people who cannot freely express their political views or openly show if they are against the government in power –no matter if is right or left wing –if they do so, they run a major risk of facing severe political, economic and administrative restrictions. These pressuring techniques – which I will describe and analyse in the Findings Chapter – are reflected in various ways, starting from the most obvious to the most latent and complicated.

Considering that the EU has classified Albania as a safe country (and hence, Albanian asylum seekers as originating from a safe country) ([www.ec.europa.eu](http://www.ec.europa.eu), 2016), it is significant to see to what extent EU considers Albanian asylum seekers' reasons for leaving their country when scrutinizing their claims, and what is their approach into classifying them as refugees or migrants.

In order to achieve this, I will try to answer the following research questions:

1. What is the role of structural violence in migration and asylum seeking? What implications does it entail for the migrant / refugee concepts, and how asylum seekers respond to it?
2. To what extent the concepts of migrant and refugee apply to the current dynamic situation of Albanian asylum seekers?
3. What is the approach of certain individual European States towards Albanian asylum seekers, and how compatible is it with the human rights regime?

## **A brief introduction to Albanian migration background**

According to INSTAT, starting from 1990 the population in Albania had a dramatic decrease because of migration. From year 2001 to 2011 statistics show that 500 000 left the country to migrate (INSTAT, 2012). The last census estimated that Albania's population in 2011 was 2,821



977 (INSTAT, 2012). Moreover, by year 2005 Albanian Government estimated that more than one million Albanians were living outside the country (King et.al 2014, p.7). It can be argued that after the 1990s there was a major flow of people leaving the country.

Before 1990s, because of restrictive life threatening national policies during the communist regime, migration was more scarce and scattered. However, the year 1990 marked the start of a new migration chapter for Albanians. Being isolated from almost any contact beyond the national borders for around fifty years under the harsh regime of communism – one of the most severe in East Europe – the fall of the communist regime finally offered Albanians the opportunity to know the world out of the shell of communism filled with poverty and political suppression. The most favoured destinations were Italy and Greece as they were the closest neighbours.

Scholars such as King et al. (2014), identify three major migration movements of Albanians after 1990s. One took place between 1991 and 1992, after the fall of the communist regime. The second flow was in 1997, when a pyramid saving scheme went bankrupt, which brought not only economic failure to a lot of households but also led to a major outrage among population, which precipitated in various forms of civil armed conflicts. The third flow was in 1999 during the war in Kosovo when around 500 000 refugees were hosted by families or stayed in refugee camps in Albania (King et al, 2014). Considering the fragile economic and political situation Albania was undergoing, the exodus of Kosovo refugees put additional pressure on scarce resources of the country. Interestingly, because asylum seekers from Kosovo were being assigned the status of refugees in the EU, a mass of Albanians claimed to be Kosovars and were granted refugee status. Since they were registered as Kosovo asylum seekers, there is no accurate statistics that shows the exact number of Albanians swapping for Kosovan (Vullnetari 2007). However, starting from December 2010 visa liberations entered into force for Albania (Eeas.europa.eu, 2016), which facilitated their travel to Schengen zone. Starting from 2014, a major movement towards EU was noticed, which peaked in the second quarter of 2015 listing Albanian asylum seekers third in the EU ([www.ec.europa.eu](http://www.ec.europa.eu), 2015). Motivations and causes of this recent flow will be further explained in the Findings Chapter.

## **Motivation of the research topic and its relevance to the Human Rights domain**

The first incentive to work on this research topic was the general overflow of migrants in Europe and the particular characteristics Albanian migration shows in the last three years. I realized that this area is relatively unexplored in respect to the real root causes and motivations for Albanians' decision to leave the country. Second motivation, was the relative lack of literature on Albanian asylum seekers from a human rights perspective, despite the existence of a wide variety of literature on their migration movements. Final motivation is to understand the blurred lines between migrant and refugee concepts with a human rights lens.

My socio-legal approach using non-doctrinal legal research and structural violence theory interrelated with the hidden power and forms of resistance is a completely new perspective on migration issues and it sheds light on asylum seekers' human rights. Through the case of Albania, this paper aims at giving a humble contribution to a better understanding of the root causes of migration and to clearly define human rights protection of asylum seekers under the human rights domain.

Although all of the international human rights documents led by UDHR proclaim the principles of universal, equal and indivisible rights (Bisset.2014), when it comes to migration issues the implementation at state level is more discrete and reserved to state sovereignty. Accordingly, this research aims at highlighting the gap between policy and practice and making a contribution into building a linkage between the two.

### **Chapters' overview**

In the first chapter I provide an overview of the problem in space and time. Following this, I introduce the problem statement and the purpose of the study while defining the main research questions to be answered. In order to provide a clear and comprehensive picture of Albanian migration, I chose to start with a brief historical background. Then, I briefly argue why the topic is of importance for human rights and why it captured my interest. At last, I designed a brief chapters' overview.

The second chapter gives an overview of the existing literature on the topic. The first part is devoted to the current debate in the EU regarding recent data on Albanian asylum seekers. Then, it discusses the concepts of migrant and refugee as asylum seekers through the lens of the current human rights framework and other academic research. Thus, offering an insight into the connotation of these concepts, their dynamic evolution and their practical use and compatibility with human rights. Subsequently, it defines the place of Albanian asylum seekers in this dispute. Finally, it introduces the theory of structural violence and a reference on forms of power and forms of resistance to the extent they are relevant to the research questions.

The third chapter offers a detailed design of methodology used in this research. It describes the methods chosen and why they were of particular relevance to conduct this research and to answer the research questions. Furthermore, I offer an argued explanation of the reasons and motives for choosing Albanian migrants and selecting the interviewees; obstacles encountered, and the process of elaborating obtained data. Last but not least, I indicate some ethical considerations during the whole research process.

In the fourth chapter I introduce my findings and I thoroughly analyse them in light of the structural violence theory. Then I refer to forms of power and forms of resistance as defined in the second chapter. Through critical analysis, considering both strengths and limitations of the research, I develop the main argument of the thesis and respond to the main research questions.

The fifth chapter is divided into two main parts. First, I generate some final outcomes which draw upon main findings in relation to the objectives set out in this dissertation, and complete with a final overall conclusion and amplification of the SV theory. Second part is devoted to recommendations concerning policy, practice and further research.

# CHAPTER II

## LITERATURE REVIEW AND THEORITICAL APPROACH

### A brief overview on current data and policies regarding Albanian migrants and asylum seekers in EU

The current escalating flow of asylum seekers, especially for the last three years, has called for the special attention of different stakeholders. Not only has this brought a new dimension of migration in terms of statistics, but it has also generated a lot of debate on its dynamics and different patterns being manifested.

Explaining the mid-year trends of 2015, the UNHCR (United Nations High Commissioner for Refugees) states that: “The sharp increase during the reporting period is attributable mainly to a higher number of individuals from Albania, Afghanistan, Iraq, Serbia and Kosovo (...) and the Syrian Arab Republic requesting international protection” (UNHCR 2015, p.10). Statistics from EUROSTAT 2015 (the statistical information agency for the EU) show that Albanian first time applicants for asylum were 17 700, which amounts for 8% of the EU total during the second quarter of 2015 (www.ec.europa.eu, 2015). The figure below from Eurostat 2015 shows the positioning of Albanian asylum seekers during the second quarter of 2015.

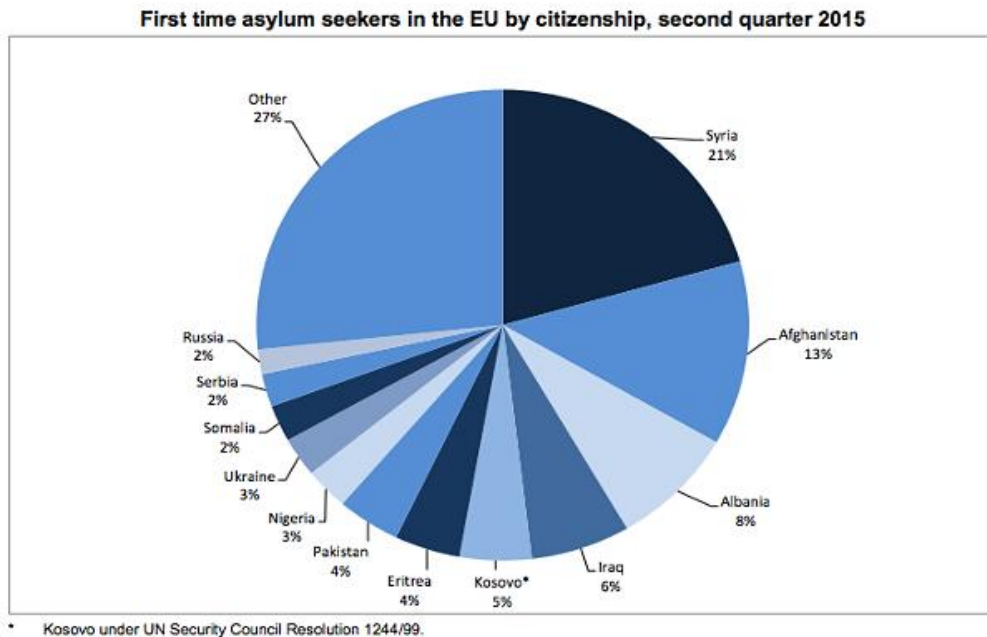


Fig.1

Out of the total number of Albanian first time asylum seekers in EU, 15 400 or 90% asked for asylum in Germany ([www.ec.europa.eu](http://www.ec.europa.eu), 2015). Referring to European Migration Bulletin, Germany was the country which issued the largest number of decisions regarding asylum seekers in total in Europe ([www.ec.europa.eu](http://www.ec.europa.eu), 2015). What constitutes an interesting fact for this study is that recently (in 2016) Germany passed an act of legislature effective from 2016 to 2020, through which on the one hand, it extended the list of safe countries of origin to Albania, Kosovo and Montenegro and clearly stated that those who have requested asylum after 31 August 2015 were forbidden to be employed. On the other hand, it stated that family members of asylum seekers originating from safe countries of Western Balkans could apply for residence permit if they wanted to work in Germany ([www.ec.europa.eu](http://www.ec.europa.eu) 2016, p.4). Although they claim that this is for the purpose of reducing “the number of unpromising applications for international protection” ([www.ec.europa.eu](http://www.ec.europa.eu) 2016, p.4), it can be inferred, that the policies aimed at migrant and refugees are further contributing into increasing confusion between the two categories.

### **Migrant and refugee concepts under the international legal framework**

The first and most referred document concerning the status of refugees is ‘The Convention (1951) and Protocol (1967) Relating to the Status of Refugees’ (Refugee Convention). With its entry in force in 1954, the Refugee Convention came as a consequence of the post World War II migration situation in Europe. It was only with its additional Protocol of 1967 that it affirmed its universal coverage in space and time (Refugee Convention).

Established under the principles of *non-refoulement*, non-discrimination and non-penalisation, the Convention does not only defines refugees, but also serves as a right-based instrument for them.

Article 1 (2) (1951, p.14) defining the term “refugee” states:

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Besides this, Article 14 of Universal Declaration of Human Rights (UDHR) invokes the right of everyone to seek asylum from persecution. Despite being limited in terms of definition and qualification as asylum seekers or refugee, UDHR provides strength to the Refugee Convention under its main human rights' principles of universality, inalienability, indivisibility, interdependence / interrelatedness, equality and non-discrimination (UDHR 1948 at Bisset 2014). All Conventions derived from UDHR are to be interpreted in the light of these principles.

Although the Refugee Convention provides the basis for those asylum seekers entitled to the status of refugee, the 1967 Declaration on Territorial Asylum “notes that it is the responsibility of the country of asylum to evaluate e person’s claim for asylum” ([www.ipu.org](http://www.ipu.org) 2001, p.15). However, Article 13 of Universal Declaration on Human Rights (UDHR) invokes the right of everyone to freedom of movement, but other international documents are more ambiguous on this. It can be inferred that everyone is entitled to the right to leave a country but seemingly the right to enter is left upon the States’ choice (Goodwin-Gill 1989).

On the one hand, both the Refugee Convention and the UDHR provide only a very basic tool for identifying refugees, but on the other hand they profoundly lack a unified procedure among state parties in scrutinizing the asylum requests for refugee status. As a consequence, there are various procedures states follow, which are built upon their national policies and own perceptions as to who is entitled to enter their territories and who can be assigned the refugee status.

## **Exploring migrant and refugee concepts through their miscellaneous construction**

Having introduced a brief overview of the migrant / refugee international legal framework, it is of utmost interest to see beyond their legal construction and explore their manifold implementation.

After the introduction of the nation sovereign states guided by the nationalist principle ‘one nation, one state’, thousands of people were forced to abandon their homes because they could not fit anymore to the European national state borders (Harrell-Bond & Voutira 1992). After World War II, there was an attempt to regulate the increasing migratory movements through law and policies, but this proved to be insufficient considering that these movements continued with

several dynamics along the time. As Goodwin-Gill (1989) points out, international human rights law and international law on refugees and migrants are strongly interrelated and interdependent. Nevertheless, they have been developing separately. It can be inferred, that despite all the human rights development and constant attempts to 'regulate' migration, the outcome has been far from expected, or at least what is supposed to be expected from institutionalised regulations at local and international levels.

In trying to define who is a refugee, the scholar Andrew Shacknove (1985) makes an interesting analysis based on the relationship between the state and the individual. He argues that in order to have a normal basis for the society, this bond should be trustworthy and loyal. When this bond is seriously menaced or broken, then this constitutes the basis for the individual to ask for protection outside the state. "Persecution and alienage are always the physical manifestations of this severed bond and these manifestations are the necessary and sufficient conditions for determining refugeehood" (Shacknove 1985, p.275). However, he further argues that persecution is not all-encompassing for the basis of refugeehood; it only accounts showing the absence of the state protection, but it does not say anything about the other extreme "where the government has ceased to exist" (Shacknove 1985, p.277). If persecution accounts for a basis to claim refugeehood (the status of refugee), equivalently should other lack of basic needs justify claims for refugee status, as both constitute a breaking of the bond between the state and the individual.

To make a difference between all people deprived of basic needs with refugees, he considers their positioning in relation to the international community. While the former are prevented from their governments to seek international protection, the latter are individuals whose government has failed in providing basic protection, and the only available resort for help remains the international community, while they are situated outside their country and where international assistance can be reachable. Therefore, it is not a matter of entitlements which makes the difference between refugees and other people lacking basic needs, but merely a matter of objective conditions (Shacknove, 1985).

Although they might be entitled to the refugee status because of the lack of basic needs in their country of origin, they still remain vulnerable in the countries where they ask for asylum. A great deal of this vulnerability relays in the way the concepts of asylum seeker and refugee are

constructed and perceived by themselves and by receiving countries. As Harrell-Bond & Voutira (1992) assert, the label 'refugee' is constantly associated with "images of dependency, helplessness and misery" (p.8).

A great deal of this labelling and depreciating positioning of refugees and migrants framed into the lines of 'the other', are a consequence of EU policies largely aimed at reducing the number of refugees. From the international conventions mentioned above, the grant of asylum was meant to be a humanitarian and apolitical process (www.ipu.org, 2001), however, the contemporary 'refugee' label has been undergoing such transformations that show complex features and patterns of forced migration, thus mixing-up the two concepts. As Zetter (2007) notes, "governments rather than non-governmental organisations (NGOs) as in the past, are the pre-eminent agency in the contemporary processes of transforming the refugee label, process driven by northern interests" (Zetter 2007, p.172). The last 20 years marked an entire transformation of the refugee regime of rich countries of the North, shifting it from a regime intended to provide protection and shelter to refugees fleeing from the East into a '*non-entrée regime*' directed at excluding and controlling asylum seekers from the South (Castles & Miller 2003, p.107).

Zetter's analysis on the refugee label proves useful here to understand the shift of the label from an apolitical humanitarian concept into a politicized one used to manage migration movements in an era of rapid globalisation. In order to do this, he develops his analysis on three main levels of fractioning the refugee label. Through the forming, transforming and politicizing the refugee label, he provides insightful arguments showing how policies of institutional agency try to adjust migrants and refugees into "convenient images" (Wood 1985:1, at Zetter 2007, p.173).

Although globalisation has enhanced free movement of goods, capital and ideas, the freedom of movement of people is still under restricted policy regulations (Goldin et al. 2011). Hence, in order to manage the increasing entry of migrants and asylum seekers and to respond to new patterns of migration, the next step undertaken from the institutionalised agency was to transform the label into a convenient one (Zetter 2007, p.173). We have come across terms like 'environmental refugees', 'development refugees', 'international displaced people' (IDP), 'genuine refugees' and 'economic refugees'. All these constitute transformations of the label 'refugee' for the purpose of avoiding to frame them into the initial refugee label (Zetter 2007),



thus, legitimising application of another set of rules and policies which would fit to the 'convenient' images introduced above.

The proliferation of labels coincides with the dynamic events, which are constantly generating other forms of 'muted conditions for refugeehood' (Zetter 2007, p.178), hence making it more difficult for governments of receiving countries to fit them into one or the other category of refugees or migrants. Other forms of contemporary persecution coming from socio-economic inequalities and failing states, which do not show clear-cut elements of refugeehood as stated in the Refugee Convention, make it more difficult for states to distinguish between forced migrants and economic migrants. Although they all constitute human rights abuses, ironically it seems that yet they are a less powerful instrument than explicit persecution to claim protection; to claim the refugee status (Zetter 2007).

According to other scholars, another fact that has been contributing into the conflation of concepts of economic migrants and refugees has to do with nation states' interests to avoid introducing clear-cut restrictive measures, which would "reduce the pool of cheap labour" (Goodwin-Gill 1989, p.535; Castles & Miller 2003). As explained in the first Chapter (see page 2), asylum seekers are claimants of the refugee status, but among there may be refugees, economic migrants or forced migrants. Although protection is only given to the ones entitled to the refugee status, other claimants of this status – although they may not strictly fall into the Refugee Convention provisions – may potentially flee because of other human rights violations.

However, states aim at strengthening the restrictive state policies towards migrants and refugees, and to do this, politicizing the label proved to be a useful tool for the governments. Political discourse and popular vocabulary are the basic instruments used to reproduce bureaucratic labels. "Spontaneous asylum seekers... illegal asylum seekers, bogus asylum seeker..., illegal migrants, trafficked migrants, overstayers, failed asylum seekers (note not failed refugee), undocumented asylum seeker / migrant" (Zetter 2007, p.184) are all covert labels carrying a negative and intimidating image of the label holder. Moreover, these pejorative labels have significantly contributed to seeing migrants and refugees merely as labour power for their increasing labour market needs (Goodwin-Gill 1989). Considering this perspective, it can be inferred that migrants and refugees are basically considered as tools to accomplish neo-liberal

economies' needs dissociated from other human rights links. This dissociation has been further fuelled by criminalizing not only illegal entry or overstaying of migrants, but also noncompliance of the community in indicating these cases, thus transforming the community into 'agents of national immigration policies' (Zetter 2007, p.185) and infusing the political agenda into them.

Interestingly, this brings into attention the early call of Michel Foucault to the state-created crime, where he argues how changing power relations affect punishment (Foucault 1995) which obviously is a consequence of criminalization. Similarly, it can be inferred, that the aim of criminalizing both non-compliance of the community and unauthorized entry of migrants and refugees is to produce delinquency as a tool of structuring and controlling migration. As a consequence "we are all incorporated in the political project of making labels in convenient images, while keeping refugees and other dispossessed people at a distance." (Zetter 2007, p.190).

### **Albanian asylum seekers between migrant and refugee labels**

As mentioned in the first chapter, Albanian migration is not a random process, rather it is a phenomenon marked by strong historical continuity, which had its pitches following certain historical events. However, contemporary migration movements starting after the fall of communism are taking place under different circumstances compared to the previous ones (Vullnetari 2007). Various patterns of Albanian migration offer a quite unique typology to which many authors have referred to as 'a new migration order (Van Hear 1998:119), 'laboratory for the study of migration and development' (King 2005: 133), and 'country on the move' (Carletto et al. 2006)" (Vullnetari 2007, p.39).

Although economic reasons are the main ones which have been driving the majority of explanations and public discourse on Albanian migration, "describing Albanian emigrants as simply economic migrants does not capture the essence of Albanian migration and what was happening in Albania during those years" (Vullnetari 2007, p.42). As Fischer (2007) notes, the unreliable justice system in Albania is one of the main incentives of leaving the country and asking for international protection. Moreover, fear from criminal organisations connected with

the government on power, coerces supporters of the opposition party to abandon the country. After every parliamentary or local election, an administration cleansing follows up the process by substituting from top down all the administrative and bureaucratic positions with party loyalists and militants of the new party taking power (Vullnetari 2007).

Another factor influencing migration was the re-emergence of blood-feud (a cycle vindictory killings based on canon law) after the fall of communism (King 2005, at Vullnetari 2007). Overall, with the fall of the communist regime some rights were taken back, but some other human rights as mentioned above, were seriously endangered.

### **The role of media as a means to stigmatize Albanian migrants and transform the label**

The media is deemed by scholars to be a very powerful tool in building up and strengthening labels and stereotypes of migrants and refugees. The first welcomed and compassioned Albanian refugees coming from one of the harshest communist regimes to Italy and Greece in the 1990s, were very soon shifted into denigrated images and negative stereotypes (Vullnetari 2007). The same Italian media, that had given an image of a promised land of freedom and democracy to Albanians, was then mobilized into building a whole campaign against them (Mai 2005). From the first perception of refugees fleeing oppression and dictatorship, the media turned the discourse into the opposite extreme by promoting “an Albanian invasion of ungrateful, lazy and violent criminals” (King et al.2003 in Vullnetari 2007, p.55).

However, according to Italian official statistics, considering the community size, Albanians’ convictions are among the lowest compared to any other immigrant groups, and the type of crimes involved are mainly petty crimes. In addition, statistics show that most serious crimes are committed within and against the national community itself (Bonifazi & Sabatino 2003). These negative assumptions have significantly eclipsed Albanians’ prosperous integration and success, ignoring hardships and obstacles they have come through to reach it (Mai 2006; King & Mai 2004 in Vullnetari 2007).

## **Theoretical approach**

### **Structural violence and forms of resistance**

#### **What is structural violence?**

Whether it is physical or psychological, direct or indirect, “violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations” (Galtung 1969, p.168). Structural violence (SV) is the kind of violence that is built into the system. It has the effect of decreasing the distance between people’s actual achievements of basic human needs and their potential of meeting these needs; it points at the gap between what it is and what could have been. The prerequisite of having SV is when its consequence is rationally avoidable. For example, people dying of tuberculosis in medieval period was deemed an unavoidable life threatening factor, since at that time there was no cure discovered yet for tuberculosis, but if people die nowadays because of this disease, then SV is present, since contemporary medicine has all sources available in avoiding it (Galtung 1969). In other words, SV refers to those social structures that are built up in a way that – be it active or passive, visible or latent – bring harm or disadvantage to human agency.

Structural violence usually has the effect of denying people important rights, such as economic well-being; social, political, and sexual equality; a sense of personal fulfilment and self-worth; and so on. When people starve to death or even go hungry, a kind of violence is taking place. Similarly, when people suffer from preventable diseases or when they are denied a decent education, affordable housing, freedom of expression and peaceful assembly, or opportunities to work, play, or raise a family, a kind of violence is occurring, even if no bullets are shot or no clubs are wielded. A society commits violence against its members when it forcibly stunts their development and undermines their well-being, whether because of religion, ethnicity, gender, age, sexual preference, or some other social reason (Barash and Webel 2002, p.7).

Although Galtung’s theory on SV was initially related to peace research, his theory has been widely applied to domains like anthropology, medicine, and sociology (Ho, 2007). As such it proved useful to understand structural violations of human rights as well. Once we agree that SV is responsible for lowering human agency’s potential, we can infer that SV is responsible for structural violations of human rights as well. Applying SV to human rights is important for emphasizing protection of social and economic rights, which have constantly been on the side line, since the main focus has been directed on civil and political rights (Ho 2007). In this

context, Ho applies SV in explaining structural causes that have led to acute poverty in the world. She argues that global poverty is at a large extent a consequence of unequal distribution of sources from national and international agency. As Galtung points out:

Human rights declarations, while they espouse norms of equality, often suffer from the deficiency that they are personal more than structural. They refer to distribution of resources, not to power over the distribution of resources. In other words, human rights as usually conceived of are quite compatible with paternalism whereby power-holders distribute anything but ultimate power over the distributions, so that equalization without any change in power structure is obtained. (Galtung 1969 at Ho 2007, p.12).

In strengthening her point, Ho refers to the duty of the state parties of the International Convention on Economic, Social and Cultural Rights (ICESCR) to respect, protect and fulfil these rights, and the need for international cooperation and assistance proclaimed in Article 21 of the ICESCR. Assigning responsibility on states, she also identifies actors of structural violations, which compared to actors committing direct violence, are more latent and difficult to identify (Galtung 1969).

However, the theory of SV provokes debates and disagreements as well. Kenneth Parson (2007) questions its validity by arguing that if we are to assume that structural violence is unequal distribution of power resources, then the whole society has to possess equal amounts of it and as such we are all responsible to end deprivation, since this is in our interest. He concludes his argument by questioning if as a consequence we are to assume “that the reality of violence does in fact follow from the unintended organization of the distribution of power” (p.177)? Although his argument from that perspective basically sounds reasonable, he seems to disregard some significant features of Galtung’s SV.

First, SV implies violence that works on the soul and mind, which involves “lies, brainwashing, indoctrination of various kinds, threats etc. that serve to decrease the mental potentialities (Galtung 1969, p.169-170). Second, SV calls into the consequences of actions rather than on their intentions. As Galtung (1969) notes “Ethical systems directed against intended violence will easily fail to capture structural violence in their nets – and may hence be catching the small fry and letting the big fish loose” (p.172). Finally, SV is silent / latent and it does not show. While it is easy to keep track of personal violence, since it is registered, SV may reveal hard to

capture as “it may be seen as natural as the air around us” (Galtung 1969, p.173). Thus, it can be inferred that, while in theory we are all responsible to end deprivation –as Parson claims– practically we are prohibited of doing this, since SV works in decreasing our potential to accomplish it.

### **Power and forms of resistance of power**

Having agreed on the validity of SV, a deeper understanding can be offered by examining forms of power and forms of resistance. I will refer to power analysis of Gaventa and forms of resistance of Scott only to the extent they are relevant to shade light on understanding SV and its consequences.

In designing the framework of power – or as he denominates it ‘the power cube’ – Gaventa analysis places, spaces / levels and forms of power.

Forms of power generated based on power visibility are worth to be considered for the scope of this research. Gaventa introduces three forms of power: visible power, which implies an observable decision-making; hidden power, which is driven by a certain elite that decides what gets on the agenda and who can be the ones taking decisions; invisible power, which shapes “people’s beliefs, sense of self and acceptance of the status quo – even their own superiority or inferiority” (Gaventa 2006, p. 29). In this third form of power, “conflict is more invisible through internalization of powerlessness, or through dominating ideologies, values and forms of behavior.” (Gaventa 2006, p.29). This perspective proves useful to understand how SV is maintained.

From power relations we should draw our attention to forms of resistance of power. Besides the classical forms of resistance like organised rebellions or organised collective action, there are other more invisible forms of resistance which James Scott (1985) names ‘everyday forms of resistance’. “Just as hidden forms of power can be used by powerful actors to keep certain issues and voices off of the agenda, similarly relatively powerless groups can employ strategies of resistance which ‘hide’ their actions from the powerful, or which use codes to make them invisible” (Scott 1985, p.137).

Everyday forms of resistance are a response to abuse of power where direct resistance can be risky. As an example Scott points to peasants, who choose to squat rather than to challenge the

law by open invasion, since the later might put them into an active conflict where they can be met with armed reaction and bloodshed (Scott, 1985). This form of resistance will help me explain how asylum seekers deal with SV.

# CHAPTER III

## METHODOLOGY

In order to answer my research questions, I deemed appropriate to use interviews, thematic analysis and non-doctrinal legal research method. The combination of these methods together enabled me to see thoroughly into the relationship between SV and agency, and to provide thorough answers for my research questions.

### **Interviews**

Considering my topic and the research questions, the main source of primary data are interviews of potential Albanian asylum seekers in Albania and current Albanian asylum seekers in Germany and the UK. I carried out thirteen interviews in total, out of which four were conducted in Albania with potential asylum seekers and one with an Albanian political representative. The latter was chosen as a prominent public figure that could provide me with a wider insight into the issue. After some incentive data from this first set of interviews, I demanded relevant data in an official way to the Court of the District of Shkoder, Albania (see page 27).

Other five interviews were conducted with Albanian AS in Germany, four in Cologne and one through Skype in Dortmund. Two interviews were conducted with asylum seekers in UK, one in London and the other one through Skype, because she was deported back to Albania. In order to have a multi perspective, I did two interviews with two refugee consultants in Cologne. Out of the 13 interviews, 10 were recorded and for the other 3 I had to keep notes, since they did not feel comfortable in being recorded. Interviews lasted between 30-60 minutes. All interviews were transcribed and translated from Albanian to English and from German to English. To support my translation from German, I was accompanied by a translator.

In choosing my interviewees, I considered it paramount to include diversity in terms of standings, reasons for leaving the country and personal experiences. I focused in the UK and Germany as host asylum seekers' countries, because I wanted to show differences and similarities at a national level in arranging and applying the refugee regime. To make contacts with my interviewees, I used some contacts I already had and through the snowball method I could reach the others.



Interviews are the core of my research; they enabled me to see beyond the law and concepts of migrants and refugees. The non-doctrinal approach I am using should and can be complemented only by looking into the social reality. Hence, through interviews and looking into legal provisions and their applicability under a human rights perspective, I was able to identify the gap between 'legal idealism' and 'social reality' (Vibhute&Aynalem 2009, p.87)

The interviews made it possible to relate my theory application with real life stories and experiences. I consider them to be an important part of explaining the root causes of the Albanian exodus towards Europe. Adding interviews to the legal research gave me a more in-depth view of the situation, and I could insightfully see how the concepts of migrant and refugee are applied and to what extent they respond to the current flow of asylum seekers coming from a so-called safe-classified country like Albania.

Most of the interviews I conducted were face-to-face interviews, which enabled me to better explain them my research topic and how I was going to use their information. Following this way, I could better handle any unexpected situation and be at their disposal for any further explanation they needed. Moreover, interviewees felt more appreciated when meeting them directly. Along these lines, it was easier to build a rapport with them, steering the conversation in a more friendly way and then getting into the main topic (Neuman 2014, p.462).

However, I had to consider limitations of this method. First, considering that I was only one person collecting data and I have the same origins, I had to be careful and avoid the risk of being biased. The risk of being biased was not only from my part but also from the part of the interviewees (Boyce & Neale 2006, p.3). Considering that the topic was somehow in their interest, they might have wanted to prove that through their responses. To avoid this I abstained from leading questions.

Second, interviews were very time consuming into transcribing, translating, classifying and finally analysing them. I was dealing with three languages, Albanian, English and German. Although I have knowledge of German, I had to have a translator with me to make sure I was not missing any detail.

Third, the results of the interviews cannot be used as a generalization because the number of the interviewees involved is relatively small (Boyce & Neale 2006, p.3). However, I tried to redress this disadvantage by choosing various interviewees with different backgrounds and different approaches.

I used semi-structured interviews, which allowed me to have more flexibility in changing the order of questions, omit particular ones or include additional ones according to the flow of the conversation and what seemed most appropriate at a certain point of it and for the specific interviewee (Vibhute&Aynalem 2009, p.168). I mainly used open-ended questions which are more flexible, encourage cooperation and avoid leading responses. I also used probes in between when I intuited that they had more to give.

### **Thematic analysis**

Considering that interviews are the core my data, I chose to apply thematic analysis, which is built upon identifying patterns through coding and thematizing data (Braun and Clarke 2006). Thematic analysis is a method which involves organising, describing and interpreting qualitative data (Crowe et al. 2015). It applies very well to rich data from interviews and it also coordinates very well with my theoretical approach, therefore, it could provide me with answers for all my research questions since thematic analysis is the main supportive method of interviews.

In doing my analysis, I followed the six phases' process introduced by Braun and Clarke (2006). First, I started familiarising with the data; I translated and transcribed verbal data and then read and re-read it, while simultaneously keeping notes on generated ideas. The second phase, I went on with coding the data from the notes and ideas generated on the first phase. As Braun and Clarke (2006) note, coding of the data can be done in two different approaches, highlighting semantic or latent content. While semantic analysis of the content provides the surface meaning of the data, the latent approach goes beyond this and offers a more in-depth and interpretative analysis of the whole picture. In order to avoid being biased and not to lose context, I applied a combination of the two. First, I generalized codes from the surface of the raw data and then I proceeded with latent analysis of the content.

Having coded the data, I went on searching themes into the codes by sorting out what might constitute a potential theme. In identifying themes, I applied "a dual deductive-inductive" (Joffe

2012, p.210) approach, meaning that I combined a data-driven approach with a theory-driven approach, which used together can provide “a high-quality qualitative work” (Joffe 2012, p.210).

The next step, (the fourth and fifth phase) involved refining the themes and subthemes drawn on the previous phase, until I could establish the aspect of the data that each of the themes captured. Then I organised them in a consistent way accompanied by a detailed analysis and implementing the theoretical approach. The sixth and final phase consists of the final analysis of the themes and subthemes generated, and writing the final report by synthesizing them in a concise, logic and coherent form.

While thematic analysis proved very useful for my data, I also had to be careful in recognizing its drawbacks and try to avoid them. The main shortcoming of this method is that it does not allow you to maintain a continuity of the narrative stories, since it breaks the data set into main themes (Braun and Clarke 2006). However, considering the aim of this paper and the research questions, the principal interest goes beyond personal stories. Nonetheless, the use of both semantic and latent approach in analysing the data could provide both a descriptive and interpretative analysis, thus, maintaining the context as much as possible.

In order to avoid a mismatch between data and analysis, I strengthened my arguments with illustrative extracts from data. As Braun and Clarke suggest “a good thematic analysis needs to make sure that the interpretations of the data are consistent with the theoretical framework” (Braun and Clarke 2006, p.26). Therefore, during my entire analysis I was bearing in mind the consistency and coordination between theory, research questions and analytic claims. This method allowed me to bring forward the theory of SV while identifying its instruments and how people respond to it.

### **Non-doctrinal Legal Research and Policy Analysis**

Considering my research questions regarding the role of SV on the concepts of migrant and refugee, I deemed appropriate non-doctrinal or external legal research method for my research, because it could help me analyse the legal framework at the international level, and then see how it was applied at the local level from a socio-legal perspective. Therefore, this method was of particular importance for the third research question.

External theories look for a wider non-legal context which is more sociologically oriented (Sokhi-Bulley 2013, p.10). In this regard, I looked into different statutory provisions starting from the international documents like the Universal Declaration of Human Rights (UDHR) and the Refugee Convention. Following this, I looked into the local level of EU policies and tried to see how compatible they are with the international human rights regime when applied to specific cases. The data I gathered from some of my interviews includes information about reasons used by respective institutions to reject asylum claims. In this regard, I could see how certain individual states apply asylum policies and what approach they have towards Albanian asylum seekers.

The non-doctrinal approach allowed me to look into elements which were external to law and to legal doctrine and go beyond its normative limitations, thus, enabling me to see for a better law from a sociological point of view (Van Hoecke 2011, p.10). A socio-legal research requires being careful in choosing the right method and theory, which can throw light upon the relevant topic (Cownie and Bradney 2013, in Watkins D. and Burton M. 2013); as such it was appropriate to answer the research questions.

This relates well with the theoretical approach of structural violence because analysing the use of concepts of migrants and refugees is a starting point to the better understanding of these concepts in a socio-legal perspective. From this point, I was able to see to what extent they apply to the current situation of asylum seekers from Albania, and to what extent European States thoroughly consider their reasons for abandoning the country.

My sociological approach to non-doctrinal legal research enabled me to find out the compatibility with human rights regime at the local level. To complement this, I conducted interviews in order to see more insightfully into their situation in relation to the push factors of migration. Using the critical external analysis facilitated me the application of the theoretical approach of structural violence. The aim was to clarify the influence of structural violence at the macro level on the decision to abandon one's own country of origin in search of a more secure life elsewhere in the Western EU.

However, during this process I had to consider limitations of this method to maintain objectivity. As Vibhute et al. (2009) point out, non-doctrinal or external research is not only time consuming, but most importantly to consider is that it requires a strong base in legal research. Since my background is in law, I have worked as a lawyer and this Masters programme has strengthened

my sociological perspective into human rights, I think I managed to use this method with an interdisciplinary approach and was able to obtain noteworthy results.

Another risk I had to avoid was falling prey to my own prejudices and feelings because of my complicated social, economic and political background. As Formisano states (in Coomans et al., 2010), collecting and assessing information from the country of origin, the researcher may risk throwing himself into supporting a desired outcome. To avoid this as much as possible I tried to be objective in my data collection and consult external people –mostly my supervisors– in each step of analysing and elaborating my data. Moreover, the use of thematic analysis is a method which allows me to combine extracts from data with analysis, thus maintaining as much as possible a neutral position.

### **Ethical considerations**

With regard to ethical issues, I first started by informing the interviewees about their rights and what they were getting involved in (Neuman 2014, p.151). I made them aware that they could withdraw at any point of my research up to the day of submission. Most importantly, I had to keep anonymous most of the interviewees and people involved in the case studies. Therefore, I encoded their names to ensure their anonymity (Neuman 2014, p.154-155). Guarding their anonymity was essential to have as much as possible an objective feedback from them, and most importantly to keep them safe from any possible consequences relating to their statements for my research. Similarly, while analysing data, I had to be very careful in excluding any detail that might make the interviewees identifiable; like excluding particular dates, the exact area where they were from, crucial points of their stories etc.

## CHAPTER IV

### **FINDINGS: EFFECTS OF STRUCTURAL VIOLENCE ON ASYLUM SEEKERS. THE CASE OF ALBANIA**

As introduced in the first chapter, the purpose of this research is to understand the role of SV in migration and asylum seeking; how people respond to it, and the approach of certain Western EU states towards Albanian asylum seekers.

In order to do this, I chose the case of Albanian asylum seekers. Through the interviews I conducted, I could look deeper into the complexity of reasons Albanians are leaving their country asking for asylum elsewhere in EU; how they float between labels; how they resist and how they adopt to the shifting refugee regime.

The data gathered, will not only contextualize the theories presented in the second chapter, but it will also bring them into a new dimension, thus offering an important theoretical and empirical contribution to the debate.

My analysis led me to distinguish conceptually two new forms of structural violence. Through data from interviews, I could detect instruments of SV, and I came to the conclusion that asylum seekers not only face SV from their home country, but also outside their country; from the host countries. Given these facts, I classified SV as internal and external SV, thus bringing a contribution to the amplification of the theory of SV.

Internal SV occurs when people face SV in their home country from their own institutions and system. The SV instruments here play the role of the main pushing factors of leaving one's own country. External SV takes place when people face SV from international institutions and systems, which play the role of factors that push people into finding ways to adopt and navigate into the system.

Having agreed on this, I shall develop the following analysis into two main directions. First, I analyse instruments of internal SV. Subsequently, I analyse instruments of external SV; both supported from extracts from data. Then, I proceed into analysing migration as a form of resistance to internal SV, and the ways people navigate and adapt to the refugee regime as a form of resistance to external SV.

## **Instruments of internal SV**

The main tools of internal SV that all my interviewees emphasized are political violence, corruption, unreliable police and justice system (absent state protection), restricted freedom of speech related to politics, fear from persecution and state failure in managing resources. These are all factors that strongly influence people's decisions to leave the country and look for a safer and better life elsewhere in EU like Germany and UK. They constitute SV, because they are built into the system (Galtung 1969) and they decrease people's potential to enjoy their human rights, while this could be rationally avoidable.

### **Political violence**

As mentioned in the second chapter (see page 14), administrative cleansing follows up after each parliamentary or local election by substituting all public administration with political militants and loyalist of the new winning party taking power (Vullnetari 2007). As my finding show, there is a strong correlation between politics and chances to ensure a job position.

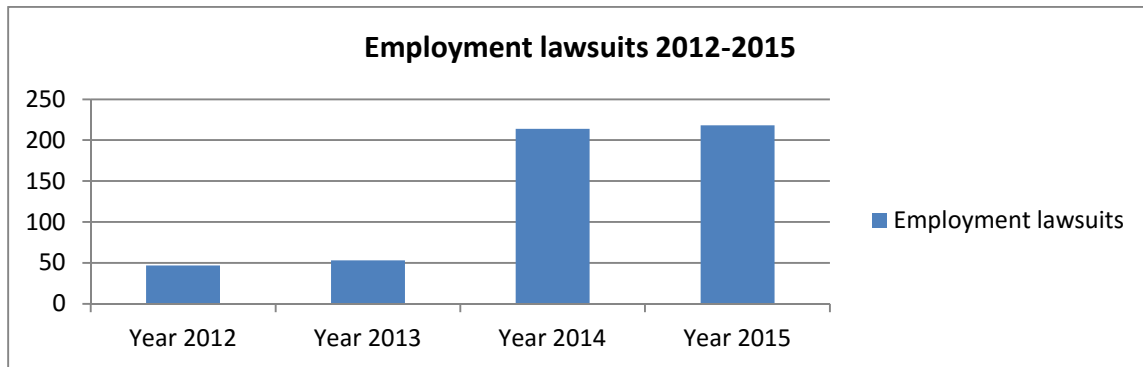
Interviewee 12 asserts:

If you support the party in power, you will have the opportunity to change your life, but if you are on the side of the losing party, then you will have to expect to be dismissed from work, to have your home demolished for their interests; and if you complain you will find no support from any institution, because all institutions are controlled from politics.

“If you are an opponent of the political party on power is guaranteed you will have no chance to find a job” (Interviewee 4). Similarly, Interviewee 3 who is a teacher since 18 years affirms that every time the government changes, there are major job position movements after elections, in order to reward the respective militants and followers. Moreover, she asserts that before elections teachers undergo a lot of psychological pressure. They are called and asked for which party they will vote; they are taken their IDs before elections to classify them as supporters of one or the other party. Identification of their opponents is made through scrutinizing surnames and family backgrounds to see if they are leftists or rightist. All this period is filled with pressure, fear of speaking out and fear of losing the job (Interviewee 3).

The above arguments are supported by statistics of the Civil and Administrative Court of the district of Shkodra, which from 2012-2015 shows a radical increasing number of lawsuits

claiming unjust dismissal from work (District Court of Shkoder, Albania, 19/01/2016), which concedes with the parliamentary elections of 2013.



(Fig.2)

However, it should be noted that the above graphic shows statistics from only one district of Albania, thus it cannot provide a whole statistical picture for the whole country.

Interviewee 1, who used to work as a police officer, states that since he was working in the public administration he was highly expected to engage and to support the party on power, otherwise he might have been considered as a hostile opponent.

Interviewee 2, who works as a taxi driver affirms that from one day to the other he might lose his job, because of government pressure to put them out of business, so that they can monopolize it through their militants.

Interviewee 13, after having studied law and economics, feels hopeless to find a decent job. He asserts that the only way to have a job is to involve oneself into membership with a political party “and serve them as they want you to serve them” (Interviewee 13).

All above mentioned cases point to political violence being an important tool of SV. It may be argued, that denying people to have a job it also denies their right to well being (Barash and Webel 2002); it decreases their potential in meeting their basic needs and it constitutes SV because it is rationally avoidable (Galtung 1969). Dependence on politics involvement influences their freedom of choice and freedom of thought. It restricts their mental and professional capacities into pre-determined political frames and it commands their skills merely to political



interests. Given these circumstances, leaving the country seems to be one of the most reasonable ways out of the turmoil.

### **Corruption**

Involvement with politics is not the only way one can attain a job position. Corruption is another tool extensively used to reach this. As Interviewee 5 asserts, her fiancée was not involved with politics to have a job position as a reward “because that he can easily achieve by paying 5000 euro or so, because this is how it works in Albania everybody knows this already” (Interviewee 5). Likewise, Interviewee 9 states: “If you have money you can fix everything, otherwise it does not work”. Similarly, interviewee 13 maintains that before coming to ask for asylum in Germany, he was asked to pay 20 000 euro to be assigned the position of judicial police officer. He claims that this was considered a very important position, because according to the law at that time, after four or five years experience one could switch into the position of a prosecutor, “which according to the unwritten but practiced system in Albania has a lot of power, because he will be the one putting the ‘price’ to the parties if they want him to demand the judge for a lower sentence” (Interviewee 13). He claims that he could pay for the position but first, he did not want to do that and abide to the system and second, even if he had agreed to pay, he would have constantly been under political pressure dictating him how to do the job. Finally, he felt uncertain for the time he would be in that position, because once parties on power change, one may no longer have the job (Interviewee 13).

Similarly, corruption is a SV tool which goes along with political violence and as such it is latent and it is built into the structure (Galtung 1969). Once it is transformed into a massive practice, it loses track of the subject-object relation, internalizing itself into the system; thus, shifting it from personal violence into SV. Embedded corruption makes people part of the system and as such it internalizes SV. It works in paralyzing means of justice, and as Galtung would say, it constrains human agency into increasing the distance between what is it and what could have been. Despite this ‘normalized’ practice there are people who cannot and do not want to abide to it, thus they consider migration as a way of not surrounding to the system.

### **Unreliable justice system**

Corruption is deeply rooted into the justice system as well. As Interviewee 5 claims, after her fiancée was shot from his political opponents, his case was closed and they came to know that 20-30 thousand euro were given to the judging court to close the case (Interviewee 5).

Interestingly, Interviewee 4 (political representative) makes a very intriguing categorization of judges in Albania. He claims that there are four different kinds of judges. First category includes judges who during their work first make sure to be on the side of the government. There is a second category of judges, who make use of the law loops in order to constrain the parties involved to bribe them to grant victory over the case. The third category is made up of judges who do not show themselves directly, but use mediators to be bribed from the parties. Finally, there is a fourth category of judges who are steadfast in their justice principles and they even ruled against the government (be it left or right), but they are constantly on target to be attacked from the government. In the coming justice reform, he assures that they will be the first ones the government will try to get rid of (Interviewee 4).

All of my interviewees with no exception showed an incomparable distrust in the justice system in Albania, which entirely captures Galtung's reference on SV "which is seen as natural as the air around us... structural violence is silent, it does not show - it is essentially static, it is the tranquil waters." (Galtung 1969, p.173), and as such we experience SV as something static while personal violence is always fluctuating. Therefore, it is easier to capture personal violence than SV, which overall may turn out to be more violent (Galtung 1969). Similarly, practice of injustice has become common to the point people have 'accepted' it as part of the system. As Gaventa points out, invisible power works in shaping people's position as inferiors through internalization of powerlessness (Gaventa 2006). Hence, decreasing people's potential while maintaining SV.

Wordings used by the interviewees when asked what they thought of the justice system, were like: "miserable", "completely absent, at level zero", "it is just a failure", "that is a disaster" "there is no such a thing" (Interviewee 6, 9, 10, 5, 12, 13).

Moreover, Interviewee 5 says that, although her fiancée was shot by his political rivals and despite their claims when they brought the case to the court, nothing of this content was included in the court-ruling. Contrary to this, his case was handled like an ordinary conflict; not politically

motivated. Likewise, Interviewee 13 asserts that justice is entirely controlled from above and they cannot go beyond what they are told. “This is the same at every level, including Prosecution Office, The High Council of Justice and Courts at all levels. Every division of the justice system is controlled by politics and is corrupted” (Interviewee 13).

It can be argued that an unreliable justice system is inextricably related to other instruments of SV, like corruption and political violence. SV built into the justice system facilitates the ‘work’ of other SV instruments mentioned here. Once it is turned into a phenomenon, it becomes ‘normalized’ into the system and as such it can work covertly and ‘undisturbed’. Justice is vital in ensuring and protecting human rights. When justice is corrupted and controlled by politics, it turns into an instrument of political violence, thus a powerful SV tool, because through the control over justice they built up and can maintain a system which keeps them on power. It actually controls people’s potential by internalizing powerlessness into them (Gaventa 2007), since the only way left to ‘justice’ is through corruption.

Given these circumstances, leaving the country is a way of resisting injustice, since direct resistance –as my interviewees show –proves to breed more injustice because of the corrupted unreliable justice system.

#### **Unreliable police and lack of state protection**

Together with the distrust in the justice system, interviewees list unreliability on the police and state protection. As one of the refugee consultants in Cologne affirms, some of the Albanian asylum seekers, besides other reasons, they claim to have other problems like those related to blood feuds, and that the police are not able to help them.” (RF1). Likewise, Interviewee 6 –who left Albania for fear from the assassin of her brother –she confesses that the assassin of her brother is free and that the police did nothing to help them. Instead of granting protection, she admits that women are very often exposed to sexual assault from the police itself.

Interviewee 12 admits that, when he was involved with the electoral campaign with the Democratic Party, he noticed an irregularity for which he reported to the police and the latter “did not bother to investigate the case”. Following this, his family received life threatening and they had no place where they could ask for help considering that the police ignored them and denied protection.

As Interviewee 13 claims, “the police is the place where they fill in papers and rip them in pieces to fill in new ones according to their own interest or as they are dictated”. He further explains this with the fact that the police are entirely politicized and they got the job only as a political reward after investing money and energy in electoral campaigns. Once they are on duty, their concern is not to give protection and ensure law and order, but how to make money and profits out of it, because they know they will not be in that position longer than the party they support is on power (Interviewee 13).

It can be argued, that on the one hand, there is punishment for the ones who challenge the system, and on the other hand, there is reward for the ones who support it. Therefore, the influencer uses two techniques in decreasing people’s potential: first, by punishing the ones who do not do what the influencer considers ‘right’, and second, by rewarding the ones who do what the influencer considers ‘right’ (Galtung 1969). As Galtung claims, “the system is reward-oriented, based on promises of euphoria but in so being it also narrows down the ranges of action” (Galtung 1969, p.170). Likewise, the police are politicized to the extent they become dependent on politics, and from an instrument of public protection they turn into an instrument of SV guided by personal and political interests. Moreover, by adapting to the reward-oriented system they internalize SV, thus, making it part of them.

Personal interests are just a side of the coin. The other side has to do with the ones who are interested in maintaining the structure. As Galtung argues, the ones who are mostly interested in this do not show directly. Contrariwise, when the structure is threatened, they use their mercenaries, the police and their thugs in preserving the structure. Therefore, although their violence may seem personal, it is actually built into the structure and it aims at preserving it (Galtung 1969). Similarly, working and supporting a party is rewarded by a job position, and maintaining this position is related to serving the system, but on the same time making sure to get some extra personal benefits through corruption. It further captures the case of Interviewee 5, whose fiancée was menaced to death from political thugs interested in maintaining the structure untouched.

### **Restricted freedom of speech and fear from persecution**

My data show that restricting freedom of speech is a way of maintaining control over people's capabilities in challenging the system; as such, it proves to be an important SV tool. As Galtung argues, the object of personal violence can grasp the violence, while "the object of SV is persuaded not to perceive this at all" (Galtung 1969, p.173). Similarly, by applying double standards between the law 'de jure' and the law 'de facto', freedom of speech turns into a negotiated right and can trap people into SV. Interviewee 5:

If during the dictatorship you knew you were not allowed to talk, now in the supposed democracy you know you have that right but you still cannot express yourself freely. This reveals to be very tricky, because sometimes people thinking they are in democracy they disregard the underlying facts and speak out, but when they face consequences, it catches them by surprise.

Similarly, Interviewee 4 statement reinforces the above argument: "If during communism a lot of people were convicted for the crime of agitation and propaganda, nowadays they dismiss you from work".

Both, interviewee 5 and interviewee 13 consider freedom of speech merely a façade. Interviewee 3, working as a teacher asserts that they cannot express their political opinions in any way and they cannot report any irregularity they might encounter, because they might promptly find themselves dismissed from work. Similarly, Interviewee 4 notes that people working in the public administration including teachers, nurses, local and national institutions' employees "do not dare to speak out freely or make evidence of any irregularities because they might lose their job, their only source of incomes for living". According to interviewee 13, one has freedom of speech to the limits one is dictated from above.

Interviewee 4 further claims that the media is also controlled by politics. Nearly all of the media is owned by politicians and wealthy people interconnected with them, thus editorials are entirely controlled and they "do not dare crossing the set lines; otherwise the employer will dismiss them straightaway" (Interviewee 4).

This captures Galtung argument when he refers to SV as latent, working on covert mode, and as a form of violence which is difficult to be perceived as such by its objects (Galtung 1969).

From restricting freedom of speech, political manoeuvres precipitate into persecuting people. Interviewee 1, who used to work as a police officer (a rightist) claims that after speaking out against the leftist government on power (2015), he had to face a mounted accusation regarding the so called crime of ‘illegally influencing persons exercising public functions’ provided in Article 245/1, Criminal Code of Albania (The Parliament of Albania, 2016) . After seven months of being researched from the police, his case was finally closed because they could not find any incriminating proofs. His brother as well –who worked as a customs officer– was threatened after making a public declaration in a public television, where the debate was on how drugs were trafficked using cars of ministers and his relatives. His publicly explained that he was fired from work, because – as he claims – they did not want him around (a political rival) to interfere with their affairs. After receiving several threatening, he left Albania and headed to France, where he was granted the refugee status. Interviewee 1 affirms that from that day he could not even communicate directly with his brother because of fear of identifying his location and because his brother feared that the contact between them could harm him as well.

The case of interviewee 11 and 12 is similar. After reporting for an irregularity during the electoral campaign, interviewee 12 had to go through a confrontation with the person he reported. After this event, the family received several threatening. Therefore, they decided to leave the country together with their three children and ask for asylum in Germany (Interviewee 11, 12).

Interviewee 5, whose fiancée was involved with politics during the local electoral campaign, because he switched his support from one political party to another, he started receiving a lot of pressures from the party he left, which – as she claims – is well known for including the most dregs of society, who are violent and have penal precedents. After some time, he had a debate with these people, who at a certain point shot the car aiming at her fiancée; he was just lucky enough to be saved. Despite bringing the case to the court, nothing of their claims as a political attack was considered (Interviewee 5).

Persecution works as a SV tool in decreasing human agency. Although there may not be direct violence in terms of physical hurt, “the threat to physical violence and indirect threat of mental violence (...) constrain human actions. Indeed, this is also the intention: the famous balance of power doctrine is based on efforts to obtain precisely this effect” (Galtung 1969, p.170).

Political involvement of people with criminal precedents seems to be used as a tool to preserve SV (see page 31), while keeping themselves in “discrete, remote seclusion from the turmoil of personal violence” (Galtung 1969, p.180). Hence, SV works discretely and tends to ascertain to cover the real governing actors.

Freedom of speech and fear from persecution revealed to be inextricably linked and the main tools used to keep people in submission.

### **State failure in managing resources**

Along with all the above mentioned internal SV tools, state failure to manage resources of the country seems to play an important role in pushing people into migration. According to Interviewee 4, the country barely produces anything. It is about 5 milliard euro that every year goes out of the country for imports. Moreover, the government’ policies do not boost investments and the state is unable to provide employment and certain living standards for people. Policies are not attractive to business, since Albania has the highest taxes, the highest oil prices and at the same time the lowest incomes in the whole region (Interviewee 4). It can be inferred, that since private business is very weak people see employment in the public administration as the only source of employment. Thus, they become dependent and more exposed to political pressure and other SV tools.

As Shacknove (1985) argues, when the normal trusty bond between the state and the individual is broken or seriously jeopardized, and the state cannot provide protection to the citizen’s basic needs, this “constitutes the full and complete negation of society...” (p.277). As such, a shattered economy impedes development and undermines the economic and social well being of citizens. The duty of state is not only negative, meaning an absence of harming their populations, but it is also positive, which means it requires state intervention into ensuring their rights and “reducing citizen’s vulnerability to others, all others” (Shacknove 1985, 278-279). Failure to provide this, constitutes SV, because it deepens the avoidable distance between the actual and the potential of human agency.

Albania is a country that extensively relies on migration remittances, but lack of good managerial policies have led to wrong investments, which do not generate employment or

incomes. The last two decades, there was a boom of construction uncontrolled, illegal and beyond the needs. This has not only damaged the territory, but it has also put a lot of owners in debts they cannot pay back, and since economy of the main migration destinations for Albanians – Greece and Italy – is going down, they are seeking other destinations in Europe, where they can work and earn a living (Interviewee 4).

This supports Galtung's argument on the presence of indirect violence even when channelling away resources that are essential into "bringing the actual closer to the potential" (Galtung 1969, p. 169). Again, it is the positive rational duty of the government to ensure rights in order to be legitimate. If the government cannot do this – regardless of the purpose – it can be inferred that the government is exercising SV.

As Galtung argues, when it comes into identifying SV, the purpose is not as important as the consequences it entails (Galtung 1969). Thus, the work of a government should be judged on the consequences that were rationally avoidable from bringing harm to its citizens.

### **Instruments of external structural violence**

Considering the data obtained, instruments of external structural violence applied from the host refugee / migrant countries (UK and Germany) involve psychological pressure, dehumanizing and depreciating treatment, criminalising migration, labelling migrants and refugees and internalising powerlessness as a way of internalising structural violence and maintaining it.

### **Psychological violence and criminalisation of migration**

Interviewee 5, asylum seeker with her fiancée in UK leaving Albania for fear from persecution because of political reasons, affirms that they were refused twice the status of refugee. The moment the Home Office came to know about their illegal staying in UK, three minibuses surrounded the house and ten of the enforcement team entered her room at around 7 am where she was alone as her fiancée was out for work. She was asked to hand in all the papers they had, and to call her fiancée to reach her there, otherwise they would have deported her straightaway. She remembers, that day she was crying and trembling in fear, and when she talked to her fiancée, she tried to convince him not to join her as they may deport both of them; and since he was the one mostly exposed to threatening in Albania, she wanted at least to guarantee his protection. However, her fiancée joined her and both of them were held separately in detention



centres for almost 3 weeks, where she lost 13 kilos. After being accepted to go through the procedure of asylum seeking, after nearly a year, in 2015 they were going through the second interview and they were expected to receive the response. From the day they are to receive the response, the law allows asylum seekers 22 days to appeal the decision. Interestingly, they were not notified, and the day they went to sign in their presence (which is compulsory for every asylum seeker once in a month), they came to know that they had to be deported because the decision was made and the deadline to appeal was over. Neither them, nor their lawyer was notified for the decision. However, because of their insistence to recognize their right to appeal, they were given another chance, but up to another formal decision they had to be kept again in detention centres for other 3 weeks. She later came to know that this is a technique used to intimidate and deport most of the Albanian asylum seekers, especially singles and couples. The migration office pretends to have notified the decision and when asylum seekers go to sign in their presence, they get deported on the same day. She further asserts that she feels humiliated from their treatment stating: “This is like being punished despite having committed no crime” (Interviewee 5).

Interviewee 6, who asked for asylum together with her sister in law and the two children of her assassinated brother in Albania, reached UK and surrounded themselves on the border asking for UK protection because of fear of blood-feud towards children, especially the boy. Although her sister in law and her two kids are still on the process of asylum, she alone was refused asylum and deported back home. She asserts that their cases were treated separately, and almost every day they were receiving letters notifying that they would soon be separated in different camps apart from the children.

After a couple of hours, while we were going crazy, we used to receive another letter apologizing for the previous one which was supposedly, wrongly addressed to us. But they did this so often, we realized it was just a pressuring technique. They played with our minds. To them we are worth nothing (Interviewee 6)!

Interviewee 13, asylum seeker with her fiancée in Germany, claims that there is racism against asylum seekers, but despite this he admits that they were given shelter and a lot of economical and social support.

None of the interviewees in Germany had ever been into a detention centre. On the contrary, they were given shelter, either in camps or in private houses, no matter if they were single, couples or families. Considering the above data, it can be inferred that compared to Germany, UK applies much more restrictive policies and techniques towards asylum seekers.

Criminalising migration seems to be the highest level of intimidation and psychological pressure towards asylum seekers. Both interviewees asking for asylum in UK were held in detention centres together with people convicted for the so-called petty crimes like drug-related crimes, robbery, violent fighting etc. Interviewee 5 asserts that she and her fiancée were kept separately in the detention centre, and to meet each-other they had to be accompanied by two guards and go through four or five body controls before and after they met; “We were treated like criminals despite doing no crime but trying to escape violence and insecurity in our country” (Interviewee 5).

Seemingly, criminalisation of migration is a powerful tool of SV. It is incorporated into the system and it works through internalizing powerlessness into asylum seekers, and also through being ‘normalized’ into the perception of the administration working with them. As Barash and Webel assert, “SV, including hunger, political repression, and psychological alienation, often is unnoticed and works slowly to erode humanistic values and impoverish human lives” (Barash and Webel 2002, p.7). By mobilizing intimidating techniques in their bureaucratic procedures, the state internalizes powerlessness into the asylum seekers. Furthermore, familiarisation with such procedures disguises the role of politics in structuring social relations. Therefore, psychological pressure and criminalisation of migration work as SV tools, which, despite their purpose of reducing the number of asylum seekers, they yet constitute human rights breaches. In this case, the purpose serves as a covert of SV. As Galtung points out, we should be careful when trying to identify SV; if we focus on the purpose of actions, we run the major risk of losing track of SV. It is the rationally avoidable consequences that count for SV (Galtung 1969). Therefore, intimidation, psychological pressure and criminalisation of migration are techniques built up in the system, which disempower people and decrease their potential; thus, they constitute SV tools.

### **Labelling migrants and refugees**

From psychological pressure and criminalization of migration, external SV makes its way through labelling migrants and refugees. Labelling turns out to be a form of internalization of

powerlessness, and as such a powerful tool of SV into decreasing the distance between the potential of refugees and migrants as merely human beings and the actual, which is confined under the labelling tags.

As Zetter argues, politicizing the label and infiltrating the political discourse into the public is a useful tool governments use to strengthen their migrant / refugee policies. The proliferation of pejorative labels towards migrants and refugees (see page 12) has contributed into shaping public's mindset and infusing the political agenda into the community (Zetter 2007), thus facilitating governments' work on generating restrictive policies.

This process is clearly visible in the case of Interviewee 5, who confessed that she feels ashamed even to talk about her asylum seeking process and difficulties she and her fiancée had to undergo in UK.

Interviewee 11 asserts that asylum seekers are limited to integration, just because of their pending status until the final decision is made for them. Although she admits she had a certain advantage because she could speak German, she remembers times she felt embarrassed and hesitant when asked to show her ID, where her status as asylum seeker showed. It can be inferred, that the label asylum seeker/refugee implies an inferior position for the holder and it makes them feel powerless.

Interviewee 13 states that Albanian asylum seekers are all seen as economic migrants who just came to Germany to work and have some economic profits. He further claims that there is racism against them; one can tell this when you go to the migration office and the moment you introduces yourself as Albanian “you see their face expression and attitude changing” (Interviewee 13). One of the refugee consultants in Cologne reinforces the above argument by affirming that the term ‘migrant’ and ‘refugee’ is considered detractive when it happens to be used to refer to people within the European Union, especially in between Western European countries (RF2, 13/04/2016).

Overall, labelling works as a silent structural violence tool, as Galtung would name it. SV is indirect and by its very nature there is no person who harms the other as in direct violence, but it is the way the structure is built up that constrains human agency (Ho 2007). Similarly, labelling is built up into the structure, it disempowers human agency and it narrows their equal

opportunities in accomplishing and enjoying their rights, thus becoming a powerful tool of external SV.

The approach of Gaventa on invisible power proves useful here to explain how the structure works on human agency “by influencing how individuals think about their place in the world, this level of power shapes people’s beliefs, sense of self and acceptance of the status quo – even their own superiority or inferiority” (Gaventa 2006, p.29). Through labeling, migrants and refugees are examined in relation to others, thus they are accordingly categorized as ‘the other’ (Zetter 2007). Once one falls into the refugee label, “it is as though he has become a member of another race, some subhuman group” (Dunbar-Ortiz and Harrell-Bond 1987, p.8). Moreover, embedding pejorative labels in the public mindset disassociates the individual from human rights by regarding them as people who deserve what they are facing; thus, facilitating the restrictive dehumanizing policies towards them.

### **How do asylum seekers navigate through internal and external structural violence?**

Considering all the above mentioned instruments of internal structural violence, which play the role of pushing factors to leave one’s own country, accordingly, migration seems to be a form of resistance to internal SV. As Scott argues, everyday forms of resistance are more invisible forms of resistance, and they work covertly from the powerful groups the same way the latter exercises hidden forms of power and keeps certain issues off of the public agenda. These forms of resistance are applied at an individual and collective level and they are used to challenge violence, which aims at maintaining the system intact (Scott 1985). Similarly, Albanian asylum seekers choose to leave the country as a form of indirect resistance instead of challenging the system through direct resistance, which puts them on the spot and becomes dangerous for their lives and well-being. The way people navigate through internal SV and how they deal with it constitutes the process of making the decision to leave the country as an act of resistance. Therefore, migration can be framed as a form of resistance against embedded internal SV.

#### **Adapting to the exclusive refugee regime**

However, leaving one’s own country as a consequence of internal SV is just the beginning of another form of resistance, the one towards external SV. Since asylum seekers are not part of the

decision-making procedure of policies and laws, direct resistance of the system is an unavailable form for them. This way SV is maintained through hidden power which according to Gaventa is driven by a certain elite that decides what gets in the agenda and who will decide about it (Gaventa, 2006). Therefore, the only form of resistance asylum seekers can respond is indirect resistance by adapting means which I will mention below.

Above all, it is the exclusionary migrant/refugee regime which works in internalising powerlessness to asylum seekers. None of my interviewees asking for asylum – both in UK and Germany – had received a positive reply from the first time applying. Nonetheless, the majority of them appealed the decision from the migration office, but yet they do not have any positive expectations from the court either.

Interestingly, although all of my interviewees represent different cases and had various reasons for asking for asylum, the arguments given in the refusals – both in Germany and in UK – are very similar for each of them. Basically, the reasons for refusal for the status of refugee include that Albania is a safe country, there is no threatening danger, the police work well and the state can provide protection for all (Interviewee 5, 6, 9, 10, 11, 12, 13).

For the interviewee 5, in the rejecting decision of refugee status issued by Home Office UK (2015), controversially, they cite a document issued by Albanian government to the Council of EU while the claimants are asking for protection precisely against state actions. However, they further cite the US Human Rights Report for Albania published on 2011.

Local police units report to the Ministry of Interior and are the main force responsible for internal security. Despite improvements in law enforcement training and management, police did not consistently respect the human rights of citizens during the performance of their duty and were not fully accountable to the rule of law. In some instances, police impunity was a problem. Police officers did not enforce the law equally and an individual's political or criminal connections often influenced enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior which remained impediments to the development of an effective civilian police force. (Home Office, UK 2015).

Although they admit that there are serious problems related to justice and law enforcement, seemingly, in their final decision they do not take it into consideration and continue to maintain that Albania is a safe country, therefore their claims for refugeehood do not stand.

Likewise, the refugee consultant in Cologne asserts that for Albanian asylum seekers is very difficult to prove political persecution, because Albania is classified as a safe country (RF1).

Moreover, Interviewees 5, 11 and 12 were rejected the court decisions of Albania as proofs of political conflicts, but in the arguments explaining the rejections, both Migration Offices of UK and Germany, in a contradictory way emphasized the good job of police and courts. However, this statement remains speculative, since Interviewee 5 claims that the court in Albania did not include political reasoning in their decision. Nonetheless, it suggests that internal SV not only decreases people's potential in Albania, but it also extends its effects in facilitating the process of external SV in the EU by excluding significant claims in the court and by denying justice.

Interviewee 13 claims that no matter the proofs and arguments they submit for their refugee claims, to them, Albanians are just economic migrants. Although he admits that his motives do not fall into the genuine refugee status, he asserts that restrictions towards Albanian asylum seekers have excluded even the so-called genuine refugees, who have left the country for fear from persecution, blood feud etc.

Considering the above arguments, it can be inferred that the refugee regime is entirely exclusive and discriminative towards Albanian asylum seekers. Not only it does not consider overshadowed reasons Albanians leave their country, but it also denies protection to the ones that may fall into the so-called genuine refugee status and are in need of urgent protection.

#### **Alternative forms of resistance**

Despite the exclusive system of the refugee / migrant regime, other Albanian asylum seekers seems to find alternative forms of resistance trying to fit into the system. As Zetter argues, in an exclusionary mode of European policies on migration, claiming the refugee status remains the only way accessible for massive migration (Zetter 2007). In consideration of my data, Albanian asylum seekers represent various reasons for demanding asylum, which not necessarily fall into the so-called genuine refugee status.

Interviewee 13 asking for asylum in Dortmund, Germany asserts that, although he was coerced to leave the country because of corruption, political violence and lack of justice, his discrete statement implicates that, the reasons he submitted to the migration office had to be something

that further justify his claims for the refugeehood: “The reasons I gave, are filed in the Migration Office and they are to remain there” (Interviewee 13).

Similarly, Interviewee 6 – claiming the refugee status in UK for blood-feud’ reasons together with her sister in law and her nephews – asserts that her asylum request was scrutinized separately from other members of the family and ultimately was refused. She further affirms that, although they were escaping potential threatening from the assassin of her brother, she herself had to add some other threatening elements to the story, in order to strengthen her personal refugee claims. She has never been separated to her brother’s family, and now that she is deported back, she indeed fears threatening and claims that she cannot rely on police protection (Interviewee 6).

Considering the above data, it can be argued that finding ways to fit into the system is one of the scarce available forms of resistance against external SV. By restricting the migrant regime, the only way available to enter a country remains claiming the refugee status.

Interestingly, while asylum seekers’ perceptions of persecution and fear constitute constraining reasons for leaving one’s own country, for the government authorities these are perceived as new conditions which add to the difficulty in distinguishing refugees from other migrants. In order to identify who should be entitled to certain labels and under what conditions, the government authorities respond by fractioning the label refugee (Zetter 2007) (see page 12).

However, considering my data, I could see two different approaches of UK and Germany towards Albanian asylum seekers.

A recent change in the German Immigration law allows entrance to work to anyone who has a job offer; not only to skilled workers. However, after the contract termination, they are not allowed to ask for asylum at least for 24 months from the day they left (RF1).

On the one hand, the system seems to extend the conditions of reaching Germany to work as a regular migrant, thus decreasing the number of the so-called bogus asylum seekers and simultaneously meeting the needs of the job market; on the other hand, it restricts asylum seeking for two years after leaving, as if the need for protection is something subjectively manageable in time and space.

Although this may look like an opportunity, practically it is not as accessible. As interviewee 13 asserts, it would be almost impossible that an employer from Germany would hire one applying from Albania. Besides, one needs to have a certain level of language knowledge and culture integration, which are difficult to attain outside Germany.

Fearing that they may be refused the status of refugee, Interviewee 11 and 12 – living in Cologne since nearly two years and a half – have been trying hard to integrate by working and learning the language and culture. On the one hand, they see this as an opportunity to later claim settlement because of integration, as recognized by the German law. On the other hand, they see this as an accomplishment of their personal and professional profile, which they could use to apply for jobs in Germany from Albania, in case they are returned back (Interviewee 11, 12).

Contrary to this, UK policies seem to be more restrictive towards migrants coming from non-EU countries. The latest Bill on Immigration has significantly increased the minimum threshold salary to £ 30 000 per year for the non-Europeans (not included in the EU and European Economic Area EEA) who want to work in UK. Furthermore, an Immigration Skills Charge was introduced for the employers who have employed migrant workers aiming at reducing migrants' number and pushing employers into hiring and training UK workers (UK Parliament 2016). Note, the law refers only to non-Europeans, although it claims the purpose is to boost hiring and training of UK workers.

Overall, it can be argued that Germany and UK have a different approach towards Albanian asylum seekers. While both countries are signatories of the core human rights documents like UDHR, the Refugee Convention, International Convention on Civil and (ICCPR) and International Convention on Economic Social and Cultural Rights ICECR, their national policies differ from each other. Although the Refugee Convention does not provide specific procedures for claiming the refugee status, it explicitly prohibits detention and discrimination. However, given my data, it can be inferred *prima facie* that both countries are in breach of the Convention.



# CHAPTER V

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

The aim of this thesis, through the Albanian asylum seekers' example, was to show the effects of structural violence on asylum seekers; how it bears upon the migrant-refugee concepts; how asylum seekers respond to it, and the approach of certain EU States towards Albanian asylum seekers.

I started my research by providing a brief background of Albanian history of migration and gave an overview of the current data and policies of the EU linked to Albanian asylum seekers. Then I moved into exploring the dynamic process of transforming the 'refugee' concept. Subsequently, I contextualized this through the Albanian migrants' example, with a theoretical approach led by structural violence theory and supported by power relations and forms of resistance of power. In the Findings Chapter, I introduced my data organized in main themes and accompanied by relevant analysis for each section. I described and analysed internal and external structural violence instruments and forms of resistance against them; thus, providing answers for each of the research questions.

With regard to the first and second research questions, I believe that through my data and analysis I could provide a whole picture of the implications structural violence has on migration and asylum. Moreover, I was able to generate two new genuine concepts on structural violence; internal and external structural violence; hence, giving a new amplification to this theory. Through these new dimensions of structural violence, I could argue how internal structural violence instruments play the role of pushing factors into asylum seeking, and how external structural violence tools exclude asylum seekers from the refugee regime.

Seemingly, there is a connection between internal and external structural violence, because both provoke human agency forms of resistance. While internal structural violence urges people to leave the country, external structural violence pushes them into generating ways of fitting into the system in order to access it. It can be concluded, that people try to externally seek some human rights denied at home, at the expense of surrendering some other human rights in the host

countries. Governments' strategies to reduce the number of refugees through breeding new labels –which are accompanied with new policies– although it might give the impression that they aim at regulating it, their principal aim is actually to avoid other categories of forced migrants to fall into the refugee status. Therefore, while conditions of forced migration augment, governments' restricting policies increase; as a consequence, the concepts of refugee and migrant have become more blurred.

Moreover, further restrictions into accessing the 'refugee' status exclude its purpose of granting protection against human rights breaching. Listing Albania as a safe country does not correspond to the structural violations of human rights happening there; hence, it fails to capture serious human rights breaching. As argued in the findings, persecution is just one side of the widespread phenomenon of absence of state protection and responsibility to ensure basic needs. Since all of these needs are equally important for survival, including justice, political violence, state protection, freedom of speech and economic failure, they all constitute human rights breaching. Having agreed that the concepts of migrant and refugee are getting more blurred because of recessive policies, it can be concluded that these concepts do not fully apply to the current dynamics of Albanian migrants and refugees' movement towards Western EU.

To sum it up, that structural violence has an enormous role in migration and pushing people into claiming the refugee status. Not only is structural violence exercised internally, playing the role of migration pushing factors, but it is also exercised externally, through restrictive policies that decrease people's potential as equal human beings. It also restricts entrance and settlement to one way; claiming the refugee status. Instead of building sustainable policies concerned with better management of migration flows, governments continue leading their policies towards enforcing restrictive measures. The proliferation of various labels entails new policies, which are of an exclusive nature regarding asylum seekers; which – instead of clearing – have further blurred the lines between migrants and refugees.

With regard to my third research question, underlining the approach of certain individual EU states and its compatibility with human rights, it can be concluded, that their approach towards Albanian asylum seekers under a human rights perspective is exclusive and discriminative.

The dehumanizing approach using psychological pressuring techniques, keeping asylum seekers in detention centres, generating pejorative labels and inflicting the political discourse into the

community; applying an exclusive and discriminative refugee regime, all constitute human rights breaching. Although not all of them amount for direct tools of human rights breaching (recognized by international law), the majority of them are indirect tools of structural violence, which entail structural violations of human rights, whose consequences might be even more severe than those of direct and personal violence.

Migration movements in EU are going through very dynamic changes, which call for the need to adopt new regulations. It is the duty and the purpose of the law to respond to social changes. While society and other legal frameworks evolve, the human rights law on migration and refugees cannot be stagnant or even worse, recessive. Although several efforts of the EU in ‘regulating’ the dynamic migration movements might give the impression that the national and international institutional agencies are working on this, we should not lose track of reality, because consequences – as this study has been showing – speak for themselves. It is exactly this, for which SV calls our attention; to look beyond the notion of guilt and to give paramount importance to consequences. Therefore, national and international agencies should be judged according to the consequences of their actions or non-actions, rather than according to the claimed intention or efforts. It is vital for human rights that policy and practice are compatible, in order to be efficient.

At a time where awareness and standards of human rights are supposed to increase, refugee claims cannot be stuck in the times of the Refugee Convention, which provides only a narrow concept of refugeehood and allows states to have their individual perceptions and provisions of refugee claims procedures, hence, giving them more space for human rights violations.

Therefore, it is important to consider all human rights breaching including structural violence as a form of decreasing people’s potential and as a need for international protection. Ultimately, this is not beyond what UDHR proclaims on the principles of equality, indivisibility, non-discrimination and international responsibility.

Although this might give the impression of a utopian view on human rights, it does not change the fact that structural violence constitutes a compelling form of human rights breaching, and it does not also exclude international responsibility to engage granting help and support.

## **Recommendations**

Below, I will give some recommendations how national and international agencies can work on bringing closer policy and practice on regard to migrant / refugee regime, and how this research can be brought forward in the future.

First, it is pivotal that we recognize that refugeehood claims are not a temporary issue but a permanent one, yet, dynamic in their nature. Therefore, national and international agencies should look carefully into pushing factors of these movements and the efficiency of the current regulations. In doing so, it might prove useful to refer to both internal and external structural violence tools, and upon this consideration ‘to redraw the map’ of human rights breaching. Once they are identified, it is possible to develop efficient polices at a local and international level. Therefore, it is important for the current Refugee Convention to be more extended and detailed on refugeehood entitlements and unification of refugee claims procedures, thus, avoiding application of different human rights’ standards at a local level.

However, as this study shows, the problem does not solely rely on the law, rather than that, the problem extensively relies on the wrongly structured agencies at a national and international level. Therefore, recognition of structural violence tools – both internal and external – is pivotal in starting to deconstruct wrong embedded social and institutional agencies. Helping, assisting and supporting the countries of origin of asylum seekers into eliminating internal structural violence, would have a more positive impact than elaborating restrictive dehumanizing policies, which only breed another form of violence; the external structural violence.

Nonetheless, this might not be ideal for national and international political agencies. Further studies, focused more thoroughly on power relations at a local and international level, would provide a more insightful response to this. This study would be extensively enriched, if future research would cover the whole region of Balkans as a region which produces the highest number of migrants heading to Western EU (see fig. 1).

Moreover, an interdisciplinary research which involves political and economical interests, would offer a priceless explanation on the reasons why the migrant/refugee regime does not respond to

current dynamics, and what are the implications it entails for states' economic and political interests.

Under a human rights spirit, human rights are not something to be negotiated on economic motivations, but economic motivations should be negotiated on a human rights' basis. However, if this is practically the case it cannot be shown in this short study, but it would make an intriguing research topic for future research.

**Word Counting 16 921**

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## INTERVIEWS

<b>Number</b>	<b>Date</b>	<b>Place</b>	<b>Gender</b>	<b>Age</b>	<b>Position</b>	<b>Education</b>
Interview 1	08/01/2016	Shkoder / Albania	Male	Around 40ies	Potential Asylum seeker	Part-time university
Interview 2	09/01/2016	Shkoder / Albania	Male	Around 40ies	Potential Asylum Seeker	High School Educaiton
Interview 3	09/01/2016	Shkoder, Albania	Female	Around 40ies	Potential Asylum seeker	Graduated
Interview 4	19/01/2016	Shkoder / Albania	Male	Around 60ies	Political Representative	Graduated
Interview 5	31/03/2016	London, UK	Female	Around 25	Asylum seeker in UK	Graduated
Interview 6	21/04/2016	Shkoder, Albania through Skype	Female	Around 30ies	Refused Asylum seeker in UK	High school
Refugee Consultant (RF 1)	13/04/2016	Cologne, Germany	Female	Around 25	Refugee Consultant at Kölner Flüchtlingsrat e.V. NGO	Post-graduated in Human Rights
Refugee Consultant (RF 2)	13/04/2016	Cologne, Germany	Male	Around 70ies	Refugee Consultant at Flüchtlingsrat e.V. NGO	Post-graduated in Economic and Politics
Interview 9*	15/04/2016	Cologne, Germany	Male	Around 40ies	Asylum seeker in Cologne, Germany	Elementary Education
Interview 10*	15/04/2016	Cologne, Germany	Female	Around 40ies	Asylum seeker in Cologne, Germany	Elementary Education
Interview 11*	16/04/2016	Cologne, Germany	Female	Around 30ies	Asylum seeker in Cologne Germany	Graduated
Interview 12*	16/04/2016	Cologne, Germany	Male	Around 35	Asylum seeker in Cologne, Germany	High School Education
Interview 13	21/04/2016	Dortmund, Germany through Skype	Male	Around 30ies	Asylum seeker in Dortmund, Germany	Post-graduated in two faculties

- Data from Figure 2, page 27, showing statistics of the Civil and Administrative Court of the district of Shkodra on employment lawsuits 2012-2015, are data which I could obtain only after addressing a formal request to the Court, attached with the confirmation of research work from University of Tromsø.
  
- The extract from Home Office on page 41, is taken from the refusal decision of Interviewee 5, issued from Home Office UK. In order to ensure anonymity, it was not possible to provide more details on it.

\* NOTE: Interviews no. 9, 10 and 11, 12 are interviews from couples with interlinked stories.

# Appendices

## Interview Guide

*Introduce myself, the research topic and the purpose of the interview. Make them aware of their rights, ensure their consent and ask them to record/make notes of the interview.*

### **Semi structured questions:**

#### ➤ **To asylum seekers**

1. What is your professional background/education? What is your age?
2. What do you know about the procedure and eligibility of seeking asylum? What about migrants?
3. Why Germany? Why United Kingdom?
4. What made you make the decision of leaving the country and asking for refugee status?
5. What has been your experience during the procedure of asylum seeking, starting from the moment you made the decision to ask for the refugee status until now?
6. What are your expectations regarding the decision from the court?
7. What will you do if they decide to deport you from their country?
8. How did you feel through the entire process of asylum seeking?
9. How do you perceive freedom of expression and equal opportunities in Albania?
10. How do you see yourself into the Albanian socio-political framework? How do you feel about it?
11. What do you think about justice system in Albania?
12. Would you like to add something else?

#### ➤ **To the political representative**

1. What is your professional background? What is your age?
2. What do you know about the procedure and eligibility of seeking asylum? What about migrants?
3. How do you see Albanians' recent flow towards EU asking for the refugee status?  
Why do you think this happens?
4. How do you perceive freedom of expression and equal opportunities in Albania?
5. How do you think Albanians see themselves in the socio-political framework?
6. What do you think about justice system in Albania?
7. Would you like to add something else?

➤ **To Refugee Consultants**

1. What criteria are usually used to identify refugees from migrants among asylum seekers?
2. What vocabulary/terms do you use in defining them?
3. What is the main approach towards Albanian asylum seekers?
4. What are the main provisions of German law you have to consider when giving advice to Albanian asylum seekers?
5. What professional background/jobs/education skills people asking for asylum have?
6. How do you help asylum seekers in their claiming procedure?
7. Are there any specific instructions for asylum seekers from Albania?
8. How are Albanian asylum seekers perceived in terms of refugee/migrant concepts?
9. Would you like to add something else?