Navigating the Vulnerable: Threats of National Security to the Global Sanctuary Effort
A research paper presented to Professor P. Nyers, in partial fulfillment of the requirements for POLSCI 4GC3, 'Advanced Issues in Global Citizenship'.
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ABSTRACT

For the purposes of this paper, I will research how global citizenship principles conflict with self-interested states and their priority of national security in the context of sanctuary policies. This research paper will serve to address the nexus of global citizenship and sanctuary policies within the framework of national security and its virtues. Whereas good global citizenship assumes unrestrained sanctuary, the perceptibility of this is low given the rise in influence of dominant international relations (IR) theories of rationalism, realism, and liberalism which work to guide the behaviour of self-interested states. For this reason, it is apparent that states stress territorial integrity and the greater concern over national security rather than 'performing' good global citizenship by operating sanctuary cities. Indeed, many states do host formal sanctuary cities, however, the research presented will argue why and how state governments fail to defend the securitization of the very vulnerable populations they sought to protect. Particular focus will be allocated to asylum-seekers and refugees. No single social or political theory is able to justify the reasoning behind states' noncompliance with global citizenship and sanctuary principles as state decisions of deportation are complex. In relief of this, several independent variables, including; ethnic and cultural identity, national citizenship, level of education, and presumed level of security concern will be operationalized.

Keywords: Nation and Nationalism; Citizenship; Security; State; Neoliberalism; Migrant Justice; Sanctuary; Transnationalism; Asylum; Rationalism; Realism; Liberalism; Borders; Sanctuary City; Illegal Migrant; Undocumented; Securitization.

A principle existed in ancient Greek society that when a person took refuge in a sacred space or on a sacred object, safety was granted to them there (Ikezu, 2005, p. 1841). Of course, this experience is much outdated. Our modern world sees physical borderlines that represent different experiences on each end. Yet, border politics are no longer limited to the narrow boundaries that divide "domestic from foreign, here from there, us from them, the normal from the exceptional" (Nyers, 2010, p. 132). For non-status people especially, borders appear to be much thicker (Nyers, 2010, p. 132), darker, and far more complicated grounds that are being managed by unique national affairs. This thesis seeks to argue against recent shifts to the securitization of refugees and asylum seekers, which has resulted in them being surveyed in terms of security rather than in humanitarian terms in social discourse. The overarching question that this research paper will serve to address is: To what extent can the facets of good global citizenship be observed across nation-states in the debate of sanctuary against the conflict of national security?

First and foremost, sanctuary can be understood as one of the arms of rights claiming. There is truth to one of Hannah Arendt's honoured arguments that there exists one fundamental human right: the right to have rights (Cotter, 2005, p. 97). With respect to this, although a formal collective attempt towards rights protection was in order with the adoption of the UN Refugee Convention (1951), the international community followed this only temporarily (Lippert & Rehaag, 2012, p. 118). Thereafter, the executive means for supervision of the mitigation of human rights has been transferred to the independent nation-state and its assumed commitment to protect human rights. This remains concerning in the sense that states tend to reserve such rights mainly for their own nationals (Lippert & Rehaag, 2012, p. 675). Hence, this manifests a necessary dilemma for those who have removed themselves from their homeland state and its

protection, limiting them to seeking safe havens elsewhere as the enjoyment of protection of their fundamental human rights remains highly uncertain. This acts in accordance with the Hobbesian ideal of the right to protection being equally accessible to all members of society, while the right to protect is not (Guillaume & Huysmans, 2013, p. 213).

In their book, Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements, Lippert & Rehaag (2013) introduce the related themes of visibility and agency. Essentially, they contend that it is extraordinarily difficult for a person who remains at a considerable risk of deportation to "come to the forefront of the resistances" since visibility [of the refugee] hints at a direct chance of deportation (Lippert & Rehaag, 2012, p. 677). Individuals who have to live discreetly are then left with little opportunity to find safe haven even in a designated sanctuary city (Hintjens & Pouri, 2014, p. 219). Thus, in this tension of visibility and agency, deportability makes itself constantly reminded. As offered by Lippert & Rehaag, a possible means of relief to this tension is the acceptance that sanctuary must be seen as a resistance to political authority or political allegiance (2012, p. 678). After all, to perform good global citizenship and assist someone in private is not necessarily a violation of law, nor should it be regarded as civil disobedience (Lippert & Rehaag, 2012, p. 678). Rather than being considered an act of civil disobedience, sanctuary can be better regarded as "a practice to uphold the law in the face of unlawful state actions, a so-called "civil initiative" (Lippert & Rehaag, 2012, p. 690). To follow true sanctuary practices then, as they are intended to be, either by an undocumented person themselves or on behalf of one, becomes an approach to claim agency of the vulnerable; or, in Arendt's words, to claim that one has a "right to have rights".

Chaudet & Parmentier (2016) have observed the national case studies of Russia and the United States which help to explain the self-interested nature of states (p. 57). In brief, the

imperial character of foreign policies is entirely relative to their nationalist foundations. On the one hand, neo-conservatives in the United States seem to ascribe foreign policy to the philosophy of German-born American Leo Strauss (Chaudet & Parmentier, 2016, p. 59). Accordingly, U.S. foreign policy leverages notions of political nationalism and conservative moral and religious values. On the other hand, the ideology of neo-Eurasianists in Russia is influenced by pan-Slavism and anti-Americanism (Chaudet & Parmentier, 2016, p. 61). In drawing both genealogies together, the critical relation found is a similar degree of will in terms of heightened power and political expansion. The empire is then the actualization by a polity of the narrative of its historical calling (Chaudet & Parmentier, 2016, p. 63).

Notably, if a sanctuary city ceases to exist in a given region, sanctuary places (i.e. schools, college and university campuses, religious sites, charities, asylum-support groups, corporations, etc.) are in order. In a neutral manner, not compelled by law, sanctuary places can be considered as extralegal actors that seek to resist any injustice conducted on behalf of the federal government and to fill in as welcoming communities for migrants rather than sites of intimidation and exclusion. As Lippert & Rehaag confirm, "the role of the church as a political actor independent of the state is now strengthened anew" (2012, p. 680). In another sense, those people who have joined the sanctuary place, worshippers of a church, for example, are members of the nation-state who minister a direct relationship with the refugee. This practice of good public action reflects the notion of 'urban citizenship', with its roots in European history when the city-state was the norm (Cotter, 2005, p. 99). Many scholars point to the idea that looking at sanctuary as a religious practice, may bring to light the broader duties of the nation-state. In the modern world, it can be observed how religious practices tend to focus less on Divine laws (the will of God) and instead stress conditions like resistance to authority, interpretations of goodness,

and the power dynamics of subordination between the Global South and the Global North (Lippert & Rehaag, 2012, p. 679).

As a matter of fact, the British movement, Cities of Sanctuary, gives priority to historical traditions of cities providing safety, as the movement works to act as a reminder for those who live in civil cities that "all major religious and spiritual traditions have shared ideas of safe havens, of protection for innocent civilians fleeing earthly oppression, war, or threat" (Hintjens & Pouri, 2014, p. 222). The two founders of the movement, Inderjit Bhogal and Craig Barnett, make this clear in their declaration that "The basis of sanctuary has always been moral" (Hintjens & Pouri, 2014, p. 225). Indeed, kindness to strangers, as a moral imperative, is prophesized across most belief systems.

However, sanctuary places, although the ideal, prove to be purely utopian in the face of the sovereign state. Perhaps this was best embodied by the United States and the Trump Administration's implementation of its Executive Order 13768 Enhancing Public Safety in the Interior of the United States (Chen, 2018, p. 1388). The following contents of the policy will be treated to:

- **Sec. 4** . Enforcement of the Immigration Laws in the Interior of the United States. In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.
- **Sec. 8** . *Federal-State Agreements*. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.
- **Sec. 14** . *Privacy Act*. Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Section 4 deserves attention as it sets forth to direct federal agencies to "employ all lawful means" to execute U.S. immigration laws against "all removable aliens." Of course, for the lack of a better word, the term "alien" here referring to; noncitizens, outsiders, foreigners, migrants, refugees, asylum seekers, and stateless persons. In an expansion of this, Section 8 seeks to broaden the scope of the local ability (local law enforcement agencies) to help facilitate the enforcement of immigration laws as well as to sanction "sanctuary jurisdictions" that "prohibit or ... restrict any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual" (Chen, 2018, p. 1380). This suggests a sense of haste on the part of the U.S. government as increased authority would surely expedite execution or deportation processes. To this extent, then, the emergence of "sanctuary networks" must at the same time be assessed as a reason for "integrative enforcement" due to the prevalence of state authority (Chen, 2018, p. 1381).

However, sanctuary places continue to resist political authority at least when it comes to state antagonism towards human beings. In the instance of Executive Order 13768, sanctuary places mobilized to resist the efforts of an expansion of the word "criminal aliens" to include undocumented immigrants. In the words of ICE Director, Thomas Homan, "There's no population off the table ... If you're in this country illegally, we're looking for you and we're going to apprehend you" (Chen, 2018, p. 1383). Although somewhat dramatic, this promise was fulfilled as ICE conducted raids in some of the most private spaces to a city—neighbourhoods, schools, and workplaces. This sudden spread of enforcement can have a fatal effect on the quality of life noncitizens expect as they are under the constant fear of deportation which infringes heavily upon their assumed right to security. Sanctuary places' understood this

possibility which led them to diffuse the state directive. In essence, they found issue with the government in terms of the people who would become affected possessing only "little more than status violations" and would have otherwise been considered as "low priorities" for deportation prior to the order.

Thus, in their own ways, sanctuary places can hold a great influence over the securitization of their particular members. For example, in response to Executive Order 13768, university and college campuses appealed to integrative enforcement through the creation of a new type of resource centre: undocumented resource centres, which exercised the critical purpose of issuing statements of solidarity for noncitizen students or international students under the Deferred Action for Childhood Arrivals (DACA) (Chen, 2018, p. 1363). In fact, universities and colleges did not limit themselves to this goal as they bear a general sensitivity toward undocumented students and the institutions' individual capacity to generate monetary, psychological, and even legal support for their pursuit of academia. What is notable, though, is that the extent and quality of support heavily depended on the type of institution it was as public universities were far more constrained than private universities. As an example, the private Ivy League University of Columbia in the city of New York expressed an audacious stand compared to public universities (Chen, 2018, p. 1391). The reason behind this is quite clear, public universities are truthfully creatures of the state or state employees that are bound to the state.

In a similar fashion, some corporations competed with authorities by protecting their employees from any form of enforcement action (Chen, 2018, p. 1389). What is most significant about these defensive actions is that they have strong moral underpinnings which solicit more than the most basic protection from the government through actions such as federal raids. Beyond this, sanctuary places also make an appeal to nonlegal sources of morality, namely that

of human dignity. The factor of human dignity is reflected in a purely human effort to ensure genuine support for noncitizens through mediums such as social support, well-founded economic opportunities, and a legitimate political voice whereas "the abject suffer from a form of purity that demands them to be speechless victims, invisible and apolitical" (Nyers, 2003, p. 1074). This can perhaps be best understood under the notion of "domopolitics", the rationality of governance fusing together national security and social security through appeals to the home front (Jørgensen & Schierup, 2022, p. 1121). While tactical cosmopolitanism may resonate with Lockean liberalism, it sustains itself as overly ethnicized given that ethnicity remains "a critical component of a person's political cosmology" (Jørgensen & Schierup, 2022, p. 1123).

As a rule, many federal governments carry a perspective on exclusion and enforcement that peripheralizes the integration of refugees into society on the basis of one's formal status as a noncitizen in their state. In an attempt to answer the question of who belongs, integrative enforcement considers broader citizen membership in those people who acquire social, economic, and to some extent political ties to the nation-state (Chen, 2018, p. 1386). One example of weaknesses of the governance framework concerning global human mobility involves the controversy in Australia around asylum seekers arriving by boat. The dialogue around such events is characterized by an exceptional degree of "insularity" and "myopia" (Francis & Maguire, 2013, p. 78). Moreover, there exists an "unwillingness" amongst government officials to address the lack of policy proposals that are in order in response to boat arrivals. On this note of the physical arrival of asylum seekers and refugees, if doubts or fears around such events commonly exist among certain populations, and they continue to go unaddressed, this could possibly fuel an unprecedented rise in xenophobia, nationalistic

tendencies and policies, and blunt racism. With this considered, fear constitutes a risk that must be taken into account (Hansson Malmlöf, 2016, p. 233).

Another example of boat arrivals comes from the 2009 and 2010 arrival of two boats, the Sun Sea, off the coast of Vancouver, Canada which was full of Tamil asylum seekers (Canadian Council for Refugees, 2015). Upon arrival, however, there was contention around why the passengers should be admitted into Canada on the basis that: "It was alleged that at least one-third of the passengers aboard were 'suspected human smugglers and terrorists' working to reconstitute the Liberation Tigers of Tamil Eelam's 'base of operations overseas in order to renew resistance to the Government of Sri Lanka" (Hudson, 2019, p. 86). The net result was that all of the passengers on the boats were detained, and planned efforts were made to exclude them from claiming refugee status (Hudson, 2019, p. 87). Many scholars have claimed that while the connection between security and irregular migration has always persisted as a theme in Canada, but the specific period spanning from 2010 to 2013 was "especially toxic" (Hudson, 2019, p. 90). As Hudson theorizes, irregular migrants were considered to be: 1) "dangerous, deceitful, threatening, and underserving" and 2) "an economic drain" (2019). At the alarm sounding of terrorism, politicians swiftly shifted narratives about refugees en masse as bogus (2019, p. 77). In terms of agency, refugees and asylum seekers would be categorized under either having "an unsavoury agency" as they can be identified as identity frauds or "queue jumpers", or ones with a "dangerous agency" being criminals, terrorists, and agents of insecurity (Nyers, 2003, p. 1070). With such nervous states demonstrating anxieties and paranoia, the importance of documents is critical to the refugee determination process. Some product as simple as a passport could determine one's status as a refugee as state anxiety could be diminished by reassuring states you

say who you are. However, this is problematized when considering the case of *real* refugees or those who do not carry a passport or travel documents with them due to their urgency.

Realists do not champion the nation-state; rather, they approach it critically, aiming to navigate its pitfalls and surpass its limitations by exploring the possibility of a true global state (Rösch et al., 2018, p. 250). Classical realists, for many reasons, viewed nation-states as 'blind and potent monsters' (Rösch et al, 2018, p. 256). In sum, realists recognize that casting refugees as security threats stems from human will and political agency. For instance, the refugee crisis held a major influence over British Brexit discourses despite the United Kingdom receiving a share of fewer than 40,000 asylum seekers in 2015. Meanwhile, Germany saw over 400,000 the same year. Therefore, realism tends to contribute to the critical political narrative that securitizing refugees, by turning them into a security concern, justifies the use of extraordinary measures to manage the perceived threat by the state.

On liberalism, Hannah Arendt criticized that refugees pose a major problem for its ideology. While it remains true that most liberal theorists and supporters of liberalism defend the idea of human rights, in parallel, liberalism also takes the existence of sovereign states for granted (Cotter, 2005, p. 99). Arendt also led to argue that "when large numbers of people petition a liberal state for asylum, these two commitments will come into conflict" (Cotter, 2005, p. 101). This conflict is made no clearer than states, being sovereign, which grants them access to full control over their borders, and the ability to tighten their borders meanwhile the classical liberal assumption of an unwavering respect for human rights would mean that no refugee is ever rejected or denied entry. Thus, liberalism works to explain why states, in the name of sovereignty, which may supposedly be committed to the guardianship of *all* human rights will often violate the rights of asylum seekers and refugees by denying them entry into their territory.

Many migrant scholars have come to the unfortunate conclusion that the political will of the state is to essentially make the lived experiences of refugees burdensome in the name of deterrence (Hintjens & Pouri, 2014, p. 222). Deterrence, in this context, aims to dissuade an influx of other potential migrants from shifting to notably Western areas such as North America, the EU, and Australia. In their work, *Citizenship and Security: the Constitution of Political Being*, Guillaume & Huysmans theorize the most common concerns of the state when it comes to contemporary securitization in democratic states, which is most widely accepted to be; terrorism, identity control, security, diaspora, and general border policies (2013, p. 60).

In a different light, Hudson (2019) criticizes the move towards reforms made against the attitudes and behaviour of the TPS: "But the constitutive function of a meaningful sanctuary city movement is not to change the practices of city officials – it is to unsettle conventional understandings of citizenship, rights, and belonging" (p. 85). As revealed in the report by Gardner and Moffette, there is mounting evidence in Canada that local police authorities regularly involve themselves in the out-of-scope enforcement of immigration laws within the realms of policing, education, employment, shelters, and hospitals (Hudson, 2019, p. 88). In consideration of this, at the very least, the assumed degree of authority that municipal governments transfer to regular police services within the framework of sanctuary city policies raises concerns about how such agencies allow themselves to regulate laws that come in conflict with and, certainly, purposefully impede federal laws on immigration. This practice is derived from broader political and ideological narratives exchanged between criminalization and securitization of migration that cast non-status migrants as threats to the economic and national security of the state. However, when non-citizens are concerned, Hudson (2019) confirms that Canadian courts have a longstanding history of minimizing if not completely disregarding, the human rights ramifications of detention and deportation: "The Supreme Court of Canada has steadily ruled that the Charter of Rights and Freedoms does not apply to immigration proceedings, unless they are 'analogous to criminal proceedings' or otherwise lead to an 'irreparable' harm, such as torture, death, or cruel and inhumane punishment" (Dehghani v. Canada, 1993; Suresh v. Canada, 2002; B010 v. Canada, 2015) (p. 79). Similarly, courts in the United States withhold human rights to due process unless it is considered that an immigration policy, procedure, or outcome is criminal in nature (Hudson, 2019, p. 79).

Perhaps the most effective means through which states reassert their authority as superior above all is through their police force. With our concerns focused on the specific power to authorize detention and deportation, we are more attracted to the cooperation that exists between local police forces and border control agents. The specific case of Toronto will be reasoned with in reference to David Moffette and Karl Gardner's report: "Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy" (2015). In its essence, the report summarizes evidence of noncompliance exercised by the Toronto Police Service (hereinafter referred to as TPS) with the City of Toronto's Access Without Fear directive and violations of a non-disclosure policy, known as "Don't Ask". With some of the people carrying the highest levels of authority in the nation, the TPS is theorized to remain an inaccessible source to undocumented Torontonians (Moffette & Gardner, 2015, p. 34). Interviews were conducted with various individuals; a woman who was the victim of intimate violence, a man who assisted police with a witnessed crime, and a woman stopped for a minor traffic violation. These individuals ended up in immigration detention and were threatened with deportation. This poses a great risk to their safety and security within Toronto as making themselves visible to the TPS perhaps even for the most general calls for protection from harm would conflict with their equal

or greater fear of being reported to the Canada Border Services Agency (CBSA), and the potential risk of being detained and deported. Based on the provided testimonies and the data collection, it has become evident that officers frequently ask and virtually always tell. The report also puts forth legal justifications for integrating a "Don't Tell" element into the TPS policy, by confirming that no regulation mandates the TPS to transfer their information findings to the CBSA.

Moreover, the report also discloses data regarding the belief of many undocumented Torontonians: "that Toronto police officers continue to practice racial profiling to inquire into Torontonians' immigration status, in contravention of their own "Don't Ask" commitment" (Moffette & Gardner, 2015, p. 40). The TPS and its sanctuary city policies are under the project of No One Is Illegal-Toronto, a grassroots, anti-colonial justice group whose leadership is comprised of racialized migrants and refugees themselves who advocate for the fundamental rights of all migrants to live with "dignity" and "respect": "We believe that granting citizenship to a privileged few is a part of racist immigration and border policies designed to exploit and marginalize migrants (Moffette & Gardner, 2015, p. 45). At the same time, it is part of our ongoing work to support and build alliances with Indigenous peoples in their fight against colonialism, displacement and the ongoing occupation of their land" (Moffette & Gardner, 2015, p. 41). Nevertheless, over the last decade, the TPS has shown a reluctance to implement the essential measures needed to be an inclusive service for all Torontonians. The solution offered by Gardner & Moffette calls for the Toronto City Council to transform its police force into an accessible service and establish a genuine sanctuary city.

With all considered in this paper, it can be accepted that states assume much of their power and legitimacy as sovereign through the provision of security within their borders. Given

this, it is hardly unexpecting that self-interested states will hold a critical position on sub-national sanctuary cities as these sites pose a direct challenge to nationalist ideals and state sovereignty, to which states are compelled to respond. In this light, resistance against local and state authority is critical in order to protect noncitizens; refugees and asylum seekers in particular against harsh exclusionary practices or even discrimination, as observed through the study of Toronto and the Toronto Police Service. As a means of relief, movements such as the Cities of Sanctuary Movement are a healthy antidote to the creeping wave of criminalization of migrants as they make an attempt to protect the "right to have rights" of those who do not have legal residency and associated legal capacity. Through the exploration of the themes in this paper, it is evident that the struggle for sanctuary cities surpasses mere geopolitical boundaries. Rather, the struggles embody a profound moral conflict, testing states to confront their understanding of citizenship, security, and humanity itself. In the face of institutionalized hostility, the performance of good global citizenship through citizens assisting noncitizens is a portrayal of the human spirit at its best.

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