

Border Politics and Practices of Resistance on the Eastern Side of ‘Fortress Europe’: The Case of Chechen Asylum Seekers at the Belarusian–Polish Border

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While the number of forced migrants moving out of conflict-ridden or otherwise troubled regions into relatively stable and safe parts of the world is higher than ever, the countries of destination are increasingly trying to prevent migrants from reaching their territories. Given the scale of forced displacement and current trends of tightening immigration policies, it should be expected that tragedies at the borders, similar to that recently witnessed in Europe, will become the norm rather than the exception and that new discourses and practices will continue to emerge, transforming territorial borders in various parts of the world into highly conflictual and politicised ‘borderspaces’. This article is a contribution to the understanding of borders through a case study of the recent policy of ‘closed doors’ that Poland has adopted towards Russia’s North Caucasus asylum seekers at the country’s eastern border with Belarus, preventing them from entering the territory and claiming protection. It demonstrates that, through the process of ‘bordering’, power is no longer exercised only by the border guards at the crossing point in Terespol from where asylum seekers are being returned and that it is increasingly to be found in social practices that occur on both sides of the border, away from the clearance points. The article examines the various practices of resistance undertaken by the asylum seekers and other actors on several different levels in response to the changed reality at the border. It also analyses the meanings and discourses developed by Polish state actors in order to legitimise restrictive migration policies.

Keywords: border politics; Poland; Chechen refugees; borderscape; resistance

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Introduction

The journey across the Belarusian–Polish border is short, as the two border cities of Brest and Terespol are located only 13 km from each other. When the morning train reaches its destination in the small Polish provincial city of Terespol, travellers with European Union (EU) passports and Belarusian citizens are asked to proceed to passport control. Several hundred other individuals await their turn to talk to the border guards. Some try to explain that they cannot go back because their life is in danger; that they have been brutally interrogated, sometimes tortured, by the security forces back home in Chechnya. For many, the fact that the regime started targeting their underage children was the immediate reason to flee. Most of them ask for asylum but not everyone is given a chance to tell their story. Instead, some hear that they are economic migrants and, as such, will not be allowed to submit an application for international protection. Each day the officers let in a family or two – these are the ‘lucky ones’. Those refused entry are asked to board a train that will take them back to Belarus later the same day. They receive a document on which the border guards mark the reason for the refusal: ‘Lack of entry visa’. This is a common story, told by asylum seekers from Chechnya and other of Russia’s North Caucasus republics to journalists and NGOs arriving at the Belarusian–Polish border. The term ‘asylum seeker’ is used here to denote anyone who has expressed a wish to ask for protection, whether or not that person has been permitted to lodge an asylum claim, and the term ‘refugee’ to denote individuals granted protection by a state, while ‘migrant’ refers to non-citizens on the move for a variety of reasons, including to seek protection, to work or to reunite with family members. From around mid-2016, a growing number of reports spoke of Polish border guards denying asylum seekers the right to apply for protection at Poland’s eastern border (Brown 2016; Czubkowska and Potocki 2016; *Deutsche Welle* 2016; Kurczab-Redlich and Annanikova 2016; Nowak 2016). According to various estimates, between 1 500 and 2 000 people have been stranded for months in the border city of Brest, many of them vulnerable individuals such as children and victims of torture (Kurczab-Redlich and Annanikova 2016). However, with the world’s attention focused on the situation of migrants in the Mediterranean, the ‘invisible refugee crisis’ unfolding at the EU’s eastern border remained largely unnoticed by international actors.

According to the United Nations High Commissioner for Refugees (UNHCR), the global number of forcibly displaced people is at its highest ever, reaching 65.6 million at the end of 2016 – a 300,000 increase on the year before.¹ On a global level, conflicts that cause large refugee movements – as in Somalia and Afghanistan, now in their third and fourth decade respectively – are lasting longer and new conflicts (in Syria, South Sudan, Yemen, Burundi, Ukraine and the Central African Republic) are occurring more frequently. At the same time, the rate at which solutions are being found for refugees and internally displaced people (IDPs) has been falling since the end of the Cold War, leaving a growing number in situations of protracted displacement.

As a result, a little under 1 per cent of the today’s world population are forced migrants. While almost two-thirds of them (40.3 million) are IDPs – those who have left their place of residence but remain within the borders of the country – as many as 25.3 million refugees and asylum seekers reside outside their countries of origin. In 2016 alone, an estimated 3.4 million people have crossed an international border to seek protection. As forced migrants move out of conflict-ridden regions into relatively stable and wealthy parts of the world, the countries of destination are increasingly trying to prevent migrants’ arrival even before the latter reach their territories. Crossing an international frontier grants an asylum seeker access both to the territory in a physical sense and to the legal protection of certain rights, with *non-refoulement* – a principle that forbids states to return them to a country where they may face danger – as the essential part of those rights. More and more often, however, asylum seekers find their way blocked by sealed borders and emerging walls. Interestingly, as noted by Frelick, Kysel and Podkul (2016: 190), the very same countries that hold human rights in the highest regard and fully acknowledge protection obligations towards asylum seekers within their jurisdiction have simultaneously,

within recent decades, ‘established barriers that prevent migrants, including asylum seekers, from setting foot on their territories or otherwise triggering protection obligations’. This is the reality faced by people on the move at the US–Mexico border, on Australian shores and, finally, around ‘Fortress Europe’, which is gradually sealing off the routes that refugees and migrants take across the Mediterranean, along the Balkan route and – at the eastern border.

These significant developments on the ground have called for a critical reflection on the important role of borders as not only geographical but also political and sociological constructs designating spaces and processes of inclusion and exclusion. The blooming field of interdisciplinary border studies is concerned with examining a broad variety of issues related to migration, human rights, globalisation, economy, development, environmental degradation and social justice. Border studies contribute to a greater understanding of borders not only as sites where the political power of nation-states is being exercised in its purest form but also as sites of competing imperatives of securing the territory and protecting human lives (Pallister-Wilkins 2017) and, finally, as places where people on the move can be both victims of structural constraints and active agents determining their own migration faith (Brekke and Brochmann 2015; Dimitriadi 2015).

Although numerous flash points have recently emerged in Europe as result of tightening border control (e.g. in the Spanish enclaves of Ceuta and Melilla, in Calais and on the Greek islands, to mention but a few), their description and analysis remain at the moment predominantly in the domain of the media and international political institutions. There is (as yet) relatively little research focusing on the micro-level of the struggles that occur in those flash points on a daily basis, on their various actors and the forms of power they exercise (one of the very few examples is Stierl’s work on migrants’ and activists’ resistance struggle at the EU sea borders; *cf.* Stierl 2014, 2016). This article addresses the issue of what and how meanings and practices are produced and how, in a border situation in which migrants in search of protection are prevented from entering a territory, they can be understood in the light of theoretical conceptualisations of borders. It deals with this question on the basis of a case study of Chechen asylum seekers denied entry to Poland at the Belarusian–Polish border. The main part of this research, which included participant observation and in-depth interviews, was conducted during a field visit to the Belarusian–Polish border crossing and was complemented by an analysis of legislation, media content and statistical data. The specific objectives pursued in this article are threefold: (1) to explore the process of admitting asylum seekers onto Polish territory and, in particular, how the policy restrictions are translated into the actual behaviour of the border guards and other actors; (2) to examine how the policy change is reflected in official political discourse; and (3) to identify the ways in which asylum seekers resist the constraints of a closed border. When using the term ‘closed border’ I refer to the restrictive policy of the Polish authorities towards the asylum seekers, which however, allowed, on the basis of unclear rules, a certain number of individuals to cross the border and lodge an asylum application. The scale of movements at the Polish eastern border, including the number of admissions and refusals of entry will be further explained in the text.

I look at the Belarusian–Polish frontier as a ‘borderscape’ – a political space charged with meanings, where practices of power are exercised and practices of resistance emerge in response. I argue that the process of ‘bordering’ has extended and ‘transposed’ the border as a geophysical site into social practices occurring both beyond the Polish territory (on the Belarusian side of the border) and within the internal political space. I also describe how, while pushing back asylum seekers in violation of legal and humanitarian commitments, Polish state actors have engaged in the production of meanings and discourses legitimising their actions. Such ‘bordering discourse’, including an extensive presence of ‘securitisation’ rhetoric and questioning of the legitimacy of asylum seekers’ claims, is definitely not new as such but has previously been somewhat uncommon in the Polish context. I also categorise several observed actions undertaken by asylum seekers in response to the policy of ‘closed borders’. I call them ‘practices of resistance’, by which I mean various forms of going beyond

the limits imposed by migration restrictions – for example, repeated attempts to cross the border, challenging the refusal of entry in legal ways or organising protests. I also include here resilience-building and sense-making practices developed within the Chechen community that help them to survive the difficult conditions at the border.

In the following sections I review selected theoretical approaches to borders as political spaces and to the problem of agency as exercised by forced migrants. I also present the analytical tools that help to better understand the forms of resistance undertaken by Chechen asylum seekers and the discursive strategies adopted by Polish state actors. Subsequently, I present my methods and data, the historical and sociological context of the ‘Eastern gate to Europe’ and the reasons why inhabitants of Chechnya continue to seek refuge in the EU. Finally, I arrive at the findings of the case study, where I address its specific objectives.

Politics and resistance in a migratory border context – theoretical perspectives

From borders to ‘borderscapes’

The intense growth of scholarly work in border studies in the first and second decades of the twenty-first century has been attributed partly to a ‘reaction to naïve, post-Cold-War “borderless” world discourses and partly to a “response to clarion calls of the late 1990s for more attention to borders as the sum of social, cultural, and political processes”’ (Johnson, Jones, Paasi, Amoore, Mountz, Salter and Rumford 2011: 61). This increase of interest came together with the realisation that the meaning of borders cannot be limited to demarcation lines on a map and physical barriers separating geopolitical territories. As noted by Étienne Balibar (2002: 84), borders are no longer (only) ‘at the border’ but, instead, they materialise ‘wherever selective controls are to be found’:

[B]orders are being both multiplied and reduced in their localisation and their function; they are being thinned out and doubled, becoming borders zones, regions, or countries where one can reside and live (...) [B]orders are no longer the shores of the political but have indeed become (...) objects – or – let us put it more precisely – things within the space of the political itself (Balibar 2002: 92).

Borders have increasingly been studied not only as a places but also as processes of ‘bordering’ (van Houtum 2005; van Houtum, Kramsch and Zierhofer 2005) where state sovereignty is exercised at great distances from the border line itself, both *beyond* and *within* the state territories, affecting various areas of social life (cf. Mezzadra and Neilsen 2013).

The constructivist approach to borders is also reflected in the concept of the ‘borderscape’, introduced by Suvendrini Perera (2007) and later taken up by Chiara Brambilla (2014). It is based on the assumption that borders are not given by nature but are, instead, ‘constantly being made’: socially produced and (re)defined. Attempting to detach the imagination of borders from its dominant ‘territorialist imperative’, ‘borderscape’ is used by analogy with the term landscape: ‘borderscapes’ provide borders with cultural meaning, dynamism and changeability as landscape provides land with a cultural framework (cf. Buoli 2015). As dynamic constructs, ‘borderscapes’ are shaped not only by an ensemble of laws and regulations but also by practices and discourses which, together, form spaces of ‘multiple resistances, challenges and counterclaims’ (Brambilla 2014). Importantly, connecting critical issues of state sovereignty with the question of justice and its limits, they constitute deeply politicised spaces. As ‘moral constructs rich with panic, danger and patriotism’ (Rajaram

and Grundy-Warr 2007), borders, along with immigration detention centres or refugee camps, therefore become spaces of feverish political contestation. In this paper, the notion of ‘borderscape’ serves as a conceptual lens helping to explain how a seemingly unimportant railway border crossing between Poland and Belarus (previously used by many migrants arriving in Poland) has become a highly conflictual site of refugee push-backs from the EU eastern frontier.

Spaces of control versus forms of transgression

The reflection on forms of social interaction occurring in the ‘borderscapes’ should be grounded in the understanding of a ‘particular structural politics of borders themselves as violent constructs that territorially prescribe processes of inclusion and exclusion’ (Pallister-Wilkins 2017: 87). The control of borders has traditionally been one of the most important mechanisms of governance through which states maintain sovereignty over the land by deciding who and what can cross their territorial space. Although the forms of exercising state authority at political borders are subject to constant changes –e.g. through the enactment of new physical barriers or the deployment of new technologies for border surveillance and the biopolitical control of movements (for specific case studies see Amoore 2006; Galdon Clavell 2017; Johnson *et al.* 2011; Warren 2013) – they invariably remain aimed at protecting the state against undesirable non-citizens. The governance of borders forms a regulative frame, a structure, within which – or contrary to which – transgression can occur. This transgression is largely a result of the agency of people on the move who respond to the constraints and, as in a feedback loop, also influence in return the practices of border making.

The structure versus agency antagonism is thus inherently incorporated in the study of migration and borders (Bakewell 2010; de Haas 2014; Hellgren 2012). Contrary to popular assumption, several studies have shown that forced migration does not exclude asylum seekers and refugees from exercising their agency and that, simultaneously, agency does not negate the need for refuge (for example: Brekke and Brochmann 2015; Dimitriadi 2015). The pursuit of protection can be complemented by the expectation that certain conditions and economic and social preferences will be met. Asylum seekers’ actions, in a given structural context, can be driven by both the need for protection *and* individual aspirations that often determine their decisions about means of transportation, choice of transit countries, length of layovers, etc. Faced with the reality of closed borders and other practices that aim to prevent migration, people on the move, of all legally ascribed categories, undertake various strategies to either circumvent or breach the physical, legal and social barriers. This may include a wide variety of actions that can be of either illegal, semi-legal or legal character – such as the use of smugglers’ services (see Crawley, Düvell, Jones, McMahon and Sigona 2016), forging documents, or marriages of convenience (see Charsley and Benson 2012) – as well as strategic planning (e.g. when migrants decide to refrain from immediate attempts to cross a border in anticipation of a future liberalisation of border controls or, on the contrary, when they accelerate the movement for fear of the closure of borders), using the assistance of NGOs (for legal advice, humanitarian aid), protests, hunger strikes, etc. Contestation may also include in-group solidarity (when migrants act for the benefit of the group of co-travellers) and reach within the territories of ‘fortified’ destination states, mobilising the support of their citizens against border regimes and immigration policies (see Cantat 2015).

It is in the context of this structure versus agency dialectic that I see the case of asylum seekers at the Belarusian–Polish border as a series of manifestations of migrants’ agency in response to a changed structural context. In this article I will call them ‘practices of resistance’. By this I specifically mean various forms of ‘going beyond the limits’ imposed by migration restrictions – i.e. individual and collective action undertaken by migrants in response to a refusal of their right to claim asylum and enter Poland. I adopt a Foucauldian understanding of resistance as a ‘counter-power’, implicated in the power structure and relations of inequality

in which those in weak positions (marginalised, excluded and ‘oppressed’) *question and object to* both the manifestations and the foundations of this structure (Foucault 1979; Pickett 1996). Such an approach leads me to see power as a central problem in migration dynamics; migration laws and politics of border protection are the primary instruments through which nation-states exercise their power over non-citizens. Foucault saw modern power as ‘ubiquitous, diffuse and circulating’ (Pickett 1996: 457–458), which is in line with what the authors of the term ‘bordering’ also attempt to convey: although power in the migration dynamics is primarily associated with the border, its manifestations are also to be found far from the border: in the ports of departure, in the waiting areas along the migration routes and in social practices occurring within a state. Also, for Foucault, just like modern power itself, the struggle against it must be ‘diffused’ and ‘localised’ (1996: 457–458).

Framing migration

As several authors have suggested, rethinking the role of borders through the study of ‘borderescapes’ serves to deconstruct the ‘interweaving between political practices of inclusion–exclusion’ and the ‘images created to support and communicate them on the cultural level by Western territorialist modernity’ (Brambilla, Laine, Scott and Bocchi 2015).

As noted by Pallister-Wilkins (2017), the conflicting interest of states, such as security concerns and humanitarian commitments resulting from legal obligations, are often entangled in border policies. Among the most important humanitarian commitments are the provisions governing the granting of international protection to individuals fleeing persecution and the explicit prohibition against returning them to a country in which they would be in likely danger. In policy terms, there are fundamental differences between the legal status and the treatment of voluntary and forced migrants who cross international borders. Although the dichotomy between voluntary and involuntary migration has increasingly been questioned in both academic (Richmond 1988, 1993, cited in Bakewell 2010: 1699) and practical contexts (cf. the UNHCR’s (UNHCR 2007: 8) and IOM’s (Cholewinski 2010: 6) use of the term ‘mixed migration’ to refer to ‘migrants and refugees increasingly making use of the same routes’ and ‘migration flows including the irregular nature of and the multiplicity of factors driving such movements and the differentiated needs and profiles of the persons involved’), together with practical difficulties related to the need to distinguish between those two groups, remain today at the core of the challenges faced by border officers in the field. The conflict between the need to recognise individuals in need of protection and the necessity of securing borders against the uncontrolled arrivals of migrants finds probably its most spectacular manifestation in the tragedies that unfolded in the Mediterranean during the recent migration crisis. In such complex situations, the various states may take an entirely different approach: from a generous invitation for the migrants to find refuge on the state’s territory to the sealing of the borders against the ‘invaders’. State governments wishing to restrict access to their territory often seek to provide interpretations and arguments justifying these policies. Because of the complexity and ambiguity of the migration phenomena themselves, they may relatively easily resort to selected convenient ‘images’ that support their case. This mechanism, described as ‘framing’ (Snow and Benford 1988; Snow, Rochford, Worden and Benford 1986), serves to construct and communicate the meaning behind certain processes and actions to a wider audience and, importantly, to reduce the ambiguity of intangible topics in such a way that the recipients can connect them to things which they know and understand. The concept of framing in this paper is used for my analysis of the interpretations that the Polish government used to justify the push-backs at the border.

Methods of data collection and analysis

This article draws mainly on the material collected during a four-day field visit to the Belarusian–Polish border that I conducted in early October 2016 in my capacity as a researcher on behalf of the Helsinki Foundation for Human Rights (hereinafter: HFHR), a Warsaw-based NGO.² The aim of the visit, which included stays on both sides of the border in the cities of Brest (Belarus) and Terespol (Poland) as well as in the transit zone, was to uncover the general situation of asylum seekers in Brest who intended to apply for international protection in Poland and to observe the process of admission of asylum seekers to the Polish territory at the border crossing in Terespol. This fieldwork included participant observation at Brest railway station and at the border crossing point. I was accompanied by a lawyer who was responsible for investigating potential procedural violations and the possibility of taking legal action in support of asylum seekers denied entry to Poland (these findings are described in detail in the monitoring report). We travelled with a group of asylum seekers on the train connecting the two border cities and reported with them for the passport check procedure.

In addition to that, I conducted 16 in-depth interviews in Russian with North Caucasian asylum seekers (mostly Chechens) staying in Brest who had already made numerous unsuccessful attempts to file their asylum applications for international protection. Given the fact that most interviewees lived at the train station and due to the lack of other possibilities, most interviews were conducted on the station premises (e.g. in the waiting room, in the station's cafeteria, etc.). Although, each time, I attempted to ensure maximum privacy, many interviewees feared being interrupted or overheard. This fact might have negatively affected their trust and willingness to share their stories. None of interviewees agreed to me recording the interview, pointing to the fear of retaliation from Head of the Chechen Republic Ramzan Kadyrov's security forces in case any individual details of their stories becomes known.

The main themes of the interviews included the reasons for the migrants leaving their countries of origin, their migration history and of their attempts to apply for asylum at the Brest/Terespol crossing point. About a dozen additional interviews were conducted with the representatives of NGOs, including the Belarusian human rights initiative 'Human Constanta' and the Polish International Humanitarian Initiative Foundation, independent Belarusian human-rights lawyers and volunteers providing aid to asylum seekers. These interviews concerned developments at the border, the histories of particular families and the efforts the organisations which undertook to assist them. I was also engaged in numerous conversations (in person, by phone and by e-mail) with Chechen asylum seekers and refugees in Poland who sought assistance from the HFHR for themselves or for relatives on the other side of the border.

The Belarusian–Polish border crossing is an example of a politically charged and conflictual research scene where a researcher 'seeks understanding across and within the structures of powers and domination' (Armbruster 2008). At such a site, researchers must be particularly attentive while positioning themselves within the research environment and design, locating potential influence on the study and recognising the impact on subjects and the data presented (Chiseri-Strater 1996). During the data collection process, I was positioned in the double role of researcher and human rights defender. Although the immediate aim of the field visit was not to provide direct assistance but to investigate the problem, the data collected were later to become a substantive basis for advocacy efforts. The fact that I represented the HFHR, an NGO that has been known to provide aid to refugees in Poland, gained me both the trust of interviewees and their expectation that would I somehow put an end to the situation perceived by them as a systemic injustice. This combination of the two roles was difficult both methodologically and emotionally: my position influenced the study setting (e.g. through working under time pressure for a quick delivery of results) and might have also affected the way in which personal histories were presented to me. Most refugees' accounts began with stories of injustice, violence, suffering and

loss in North Caucasus, culminating in the description of rejection at the border followed by, often non-verbalised, expectations that a remedy for this situation could be found, which was not immediately possible. In order to separate the data collection process from legal aid provision and to avoid deception, I clearly stated the purpose of the interviews and referred interested interviewees to a Belarusian NGO which became specialised in handling legal matters at the border. As argued by England (1994: 84–85), a researcher in the field is an ‘instrument’ and ‘positioned subject’ with his or her own biography, personal history and lived experience as well as a social and historical location. I represented an organisation mandated with the protection or rights of migrants and a citizen of a country whose authorities’ decision my interviewees contested. Through its design and context – the fact that the monitoring visit was conducted primarily for the purpose of examining the cases of non-admission to the Polish territory and the asylum procedure (no interviews were conducted with persons who had successfully applied for asylum in Terespol and entered Poland) – this research was, from the beginning, aimed at intervening ‘on the side of the oppressed’, a fact that my interviewees were well aware of. I acknowledge that this might have influenced how they told me their stories as they saw me as a compassionate interlocutor with a certain power to impact on the situation (e.g. through later advocacy efforts). While talking to me, interviewees could have been interested in, for example, stressing the forced character of their migration and the large scale of perceived injustice at the border. The data collected, as well as the conclusions I draw in this article, must therefore be seen in the context of my positionality within the research environment.

While acknowledging this fact, in this article I also try to present my findings in a broader migratory context. For example, I have juxtaposed the information and observations collected during the visit with statistical data provided by Polish institutions on the number of accepted asylum seekers and decisions on the refusal of entry. This information was acquired from the Office for Foreigners, which as an authority responsible for examining asylum claims in Poland and from the border guard headquarters. In addition, I looked at the political discourse in Poland, analysing several public addresses, in such as television and radio interviews, of high-ranking Polish officials, that pertained to the question of asylum seekers at the eastern border in order to look at the way in which they describe and explain the situation. I also participated in several official and unofficial conversations with the representatives of the Polish border guards, Belarusian law enforcement services, migration authorities and journalists.

An eastern gate to Europe: new phenomena on an old migration route

Refugees from Russia’s North Caucasus republics transiting through Belarus on their way to Poland and the eastern border of the European Union in order to apply for international protection are not a new phenomenon. Ever since Poland signed the 1951 United Nations Convention relating to the status of refugees in the early 1990s, Russian citizens have represented one of the largest groups of asylum seekers in the country and their number has gradually grown (to up to 90 per cent of all applications in 2004–2008). In subsequent years, this proportion changed due to the emergence of new groups of forced migrants seeking protection in Poland: Georgians (2008–2009) and Ukrainians (since 2013) fleeing military conflict in their countries. In 2016, 8 992 Russian citizens applied for asylum in Poland (out of the total number of 12 320 applicants). In 2015, 2014 and 2013 there were 7 992 (out of 12 325), 4 112 (8 193) and 12 849 (15 253) applicants with Russian passports respectively. It is important to note that, in general, the number of asylum seekers in Poland is relatively small and that the average total number of asylum applicants in the last 10 years has not exceeded 10 000 per year.³ Thus, the scale of forced migration to Poland, most of which occurs at the Polish eastern border, is relatively small compared to the number of arrivals by sea along the Central and Eastern Mediterranean routes.⁴ Another important aspect characterising forced migration to Poland is its transitory nature – the fact that many

applicants do not stay but move to other EU countries. For example, in the period from 2013 to 2016, around 70 per cent of Russian asylum seekers' cases were discontinued; a significant part of these cases may be discontinued due to the absence of the applicant on Polish territory, however, the exact number of persons who leave the country remains unknown. .

The vast majority of applicants of Russian nationality are persons originating from North Caucasus republics, especially Chechnya, as well as Dagestan and Ingushetia. Official statistics also show clearly that the overwhelming majority of applications for international protection are lodged at the border crossing point Brest–Terespól, meaning that most asylum seekers arrive in Poland through the eastern border with Belarus.

The most important factors determining the presence of numerous forced migrants from the Caucasus in Poland are geopolitical. Poland is seen as the first 'safe country' on the way from the East to the West and, in the past, i.e. during and immediately after the First and Second Chechen Wars (separatist military conflicts, occurring in 1994–1996 and 1999–2009 respectively), it granted protection to a number of Chechen refugees. Today, Poland, as well as Germany and Austria – which is where many Chechens head to after lodging an application in Poland – are home to a relatively large Chechen diaspora.

The spatial arrangements at the Brest–Terespól border crossing, as well as certain practices of border governance, also seem to explain why this particular crossing is popular among asylum seekers. Citizens of the Russian Federation may stay in Belarus without a visa or the obligation to register, for up to 90 days,⁵ therefore they do not need to be afraid of being apprehended by Belarusian law enforcement services if they are not admitted by Poland on their first attempt. Furthermore, observation shows that, as a rule, the Belarusian border service in Brest does not prevent asylum seekers from boarding the train headed to Terespól, in spite of their lack of a Schengen visa.

Notwithstanding this seemingly neutral stance of the Belarusian authorities towards asylum seekers from Chechnya, these latter rarely consider staying in Belarus permanently. They point to the general feeling of insecurity and lack of protection from a state which is an important political ally of Russia. One interviewee noted:

How can we stay in Belarus? Russia and Belarus – it is one political, security and customs union... The local FSB (Federal Security Service, Russian: Federalnaya Sluzhba Bezopasnosti) knows everything about us and, at any time, they can pass this information to the FSB in Chechnya.

It should also be noted that there were no Russian citizens among the 210 individuals granted refugee status in Belarus in 2004–2016 (while the number of Russian applicants in the same period was 73),⁶ meaning that the actual likelihood of their receiving legal protection in Belarus is close to none.

As reported by international organisations – and despite the official end of the war – Chechnya, under the Kremlin subordinate Ramzan Kadyrov, remains a deeply troubled place with widespread human rights violations and the systemic use of violence against the civilian population (Amnesty International 2016; Human Rights Watch 2016; Memorial Human Rights Centre 2016). In the late 1990s and early 2000s, aiming to relieve Russian troops, the Kremlin handed over responsibility for the conflict in Chechnya to the Chechens – a policy which, in political science terms, has been described as 'Chechenisation' (Nichol 2007; Ware 2009, 2013). While a full political landscape of Chechnya and North Caucasus more broadly is too complex to present in this paper, experts generally agree that the instauration of the Kadyrov regime has turned a separatist war with Russia into a frozen internal conflict, where 'peace' is kept in the republic at the expense of civil rights. One of the characteristics of the Chechen regime's *modus operandi* is the constant production of internal enemies, exercised through the common use of collective responsibility for real or alleged involvement in the underground resistance movement or charges of 'extremism'.

Given the current situation in Chechnya, it seems reasonable to assume that the root causes of the arrival of forced migrants in Europe have not ceased to exist. What have changed are, rather, the reception policies of EU countries, including Poland, towards refugees. Around mid-2016, numerous reports appeared indicating a possible large-scale push-back policy carried out by Polish border guards at the border crossing in Brest–Terespol. The Polish Commissioner for Human Rights, Belarusian and Polish rights groups as well as the Human Rights Watch carried out monitoring missions to investigate the problem (Chrzanowska, Mickiewicz, Słubik, Subko and Trylińska 2016; Commissioner for Human Rights 2016; Human Constanta 2016; Human Rights Watch 2017). Their findings confirmed that the border guards indeed refuse to admit a number of persons asking for asylum in Poland; however the reports varied with regard to the scale of the push-backs. These differences could be attributed, *inter alia*, to the methodology used and the access to the procedure that was granted to a given monitoring institution (e.g. only representatives of the Commissioner are allowed to observe the cursory interviews that officers conduct with asylum seekers). In addition to numerous individual complaints and monitoring reports, the dramatically increasing number of decisions issued by border guards which deny asylum seekers entry to Polish territory may also indicate that the latter's non-admission to the refugee procedure is a deliberate policy.⁷

The Belarusian–Polish frontier as a ‘borderscape’

A site of inclusion and exclusion

In line with European and international laws (above all, with the principle of *non-refoulement*), Polish law currently provides that an asylum seeker has the right to enter Polish territory when applying for international protection despite a lack of documents allowing entry (e.g. visa or residence card). According to the Act on foreigners, if a foreign national explicitly expresses an intention to seek international protection, the possibility of a refusal of entry based on the absence of a valid visa is excluded.⁸ The border guards are responsible for registering an application and for passing it, within 48 hours, to the Head of the Office for Foreigners, which is an administrative body responsible for substantive examination applications and for granting or refusing protection.⁹ The role of the border guard is therefore limited to the registration of applications and excludes the right to decide on their merits. From a formal point of view, only an application submitted on a specially designated form, filled in by the officer, effectively starts the procedure for international protection.

What emerges from the interviews conducted and from independent monitoring reports is that the border guards at the crossing often ignore the intention to submit an application for asylum by ‘not hearing’ the asylum seekers’ claims or words spoken, such as ‘refugee status’ (Russian: *status bezhenca*) or ‘asylum’ (*ub-zhishche*). Asylum seekers stuck at the border reported that, despite their repeated, explicit requests for protection, in which they invoked the fear of persecution in the country of origin, officers refused to accept the application, referring to the lack of a visa. Only two or three families a day are allowed through the border; however the criteria on which officials decide to accept their applications are unclear. Interviewees spoke about an ambiguous selection process and random rules at the first cursory interview with the officers:

We all say that we fear the return to Chechnya. But they don't really listen to us. There are no rules and you don't know what to expect. We have seen families attempting 30 times before they were let in and – just as often – families who crossed the border at first attempt. It's like roulette.

The process of selection starts on the Belarusian side of the border. While purchasing tickets for the train to Terespol, Chechens are assigned seats in the last carriages, while EU and Belarusian citizens get seats in the first or second ones. For this reason, we decided not to approach the ticket counter ourselves but, instead, to ask a Chechen family to buy tickets for us so that we could sit with them on the train. In the opinion of interviewees and experts on the ground, this ticket-selling practice amounted to racial profiling, as those who look 'white' were separated from the asylum seekers, supposedly to 'facilitate' the future management of passenger flows at the destination station. Asylum seekers were also only sold return tickets costing 18 Belarusian rubles (approximately 8 euros) per person, which made repeat journeys an expensive enterprise for Chechen families, with their often three to eight children. When asked about the reason why they cannot buy a one-way ticket to Terespol, an interviewee said: 'They just wouldn't sell it to us'. Asylum seekers' unsuccessful attempts to act outside of the 'script' by asking to buy a one-way ticket could suggest that the ticket-selling officers somehow assumed that most asylum seekers would need return tickets as they were not going to be let through the border. What recurred in many interviews was a conviction that there was an 'agreement' between the Polish and the Belarusian border services as well as with the administration of the railways – a supposition which we were, unfortunately, unable to verify. Interviewees showed bundles of validated train tickets for the Brest–Terespol–Brest route, which proved their numerous attempts to enter Poland, as well as numerous documents and/or passport stamps showing the refusal to allow them to cross the border, all confirming that they had been denied entry. A Chechen interviewee who spoke about the economic cost to many Chechen families who, tirelessly, board the train every day in the hope of being allowed to enter Poland, noted bitterly: 'The party that surely benefits the most from this situation is the Belarusian railway company'.

The separation of travellers into categories which takes place at the station in Brest is one example of how the process of 'bordering' moves the function of the border (which is one of exclusion or inclusion) from the geophysical site (the border crossing station) to a social practice (the ticket-selling process) outside Polish territory. Apart from management requirements, segregation of passengers may serve to ensure the invisibility of those border guard practices that violate international law. As in Terespol, passengers alight from the train carriages one after the other starting from the first carriage; asylum seekers get off last. This way they are usually the only group of travellers in the underground passage connecting the platform with the passport control desks, where they tell the border guards that they want to apply for asylum. We were not allowed to pass the border control together with the asylum seekers with whom we travelled and were ordered to leave by a separate exit. Asylum seekers who were refused admission to the refugee procedure were returned to Belarus on the next train. The segregation practices that occur both before and after the asylum seekers board the train to Terespol are examples of the 'diffuse power' that disperses the responsibility for the illegal actions of the Polish migration authorities. Such spatial arrangements, combined with the denial of access to the border crossing to independent monitors (in particular to the place where the border guards conduct the initial interviews with the newly arrived),¹⁰ contribute to the creation of a grey zone in which the power of international and domestic laws becomes (temporarily) suspended and, in Agambenian terms (1998), asylum seekers' existence becomes reduced to 'bare life', stripped of political significance in the sense of that it refuses them the possibility to exercise their rights as subjects of legal protection regimes. For, from the legal point of view, the status of an 'asylum seeker' is not declaratory but depends on the formal recognition of an agent of structural power (the border service). In other words, a person becomes an asylum seeker under Polish law when a border guard writes down the former's testimony on the application form. While the law obliges the border guards to accept an application from anyone who declares that they seek protection, on the ground, however, it is the physical act of the guards writing down the asylum seekers' words that triggers obligations of protection.

A bordering discourse

Representatives of the Polish government have, on several occasions, officially commented on the situation at the border, mostly in response to journalists' questions about whether and why Poland has 'closed its doors' to refugees. The Minister of the Interior and Administration addressed these questions, *inter alia*, during interviews on Polish television (TVN24 2016) and radio (Tok.fm 2016). Polish politicians have also spoken about the situation at the border with foreign media (*Deutsche Welle* 2017) and at the European Parliament (*Polish Prime Minister's Address to the EU Parliament of 19 January 2016*). In analysing these materials, I was interested in learning how this restricted access to Polish territory, in violation of international and national laws,¹¹ was 'framed', explained and justified before the Polish and international public.

As a rule, government officials admitted that Poland had, indeed, restricted the access of 'Muslim immigrants' to the territory, presenting this new policy as a legitimate approach to the question of immigration. This narrative included a 'securitisation' rhetoric pointing to the threats connected with uncontrolled immigration. The Polish Minister of the Interior and Administration announced during radio and television interviews (Tok.fm 2016; TVN24 2016) that, as long as he remains in power, he will not allow for the formation of a 'new Muslim migration route' through Polish territory and will not expose Poland to the threat of terrorism. He described the Polish border as completely 'sealed' or 'air-tight' and mentioned that Polish border guards, in addition to being responsible for the Polish frontier, are also deployed in other EU countries to help protect their borders. The Minister has framed the arrival of Chechens in the border area as an attempt to 'test new routes' to Europe by Muslim immigrants from Africa and the Middle East whose presence had previously led to terrorist attacks and the creation of 'Sharia districts' in Western Europe. This interpretation certainly aimed at seeking wider public support through the establishment of an emotional connection between the situation at the border and the threat of terrorism exclusively; the humanitarian aspect of it – the fate of the people – was almost completely absent. This kind of framing left little space for consideration of solutions that would take both aspects into account – the sealing of the border appeared to be the only choice.

Alongside these efforts to present asylum seekers as a threat, Polish officials simultaneously questioned the legitimacy of Chechens' asylum claims and the legal commitments that Poland may have towards them. The Minister of the Interior and Administration referred to the fact that, as the war in Chechnya had ended, its inhabitants should no longer be considered 'genuine refugees', thereby connecting the legitimacy of protection claims not with persecution but with an ongoing military conflict in the country of origin. This understanding differs from the definition of 'refugee' as formulated in most asylum laws today which, based on the UN 1951 Refugee Convention definition, bind the understanding of its essence with a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'.¹² Finally, at both international and domestic levels, government representatives took an approach that could be described as a 'rejection of commitments on the basis of other commitments'. While speaking to the European Parliament in January 2016, the Polish Prime Minister said that her country had accepted 'one million Ukrainian refugees' and this should also be counted as an answer to Europe's migration problem (*Polish Prime Minister's Address to the EU Parliament of 19 January 2016*). This argument was repeated by the Minister of Finance during an interview for the German broadcaster *Deutsche Welle* (2017). While it is unclear whether it was unintentional or deliberate, this confusion of the terms 'refugee' and 'migrant' presented Ukrainian economic migrants as 'refugees' – even though the actual number of Ukrainians granted international protection in Poland remains at an extremely low level.¹³

Interestingly, Polish state actors also sought to connect the problem of their treatment of asylum seekers to the conflict between national and EU interests that has been increasingly present in the Polish public debate following the change of government in 2015. In a process described by Snow *et al.* (1986) as 'frame-alignment'

or, more precisely here, as one of its four forms – ‘frame-bridging’ – a linkage was established between the country’s restrictive migration policy and the Polish government’s more general antagonism towards the ‘Brussels elites’ and other political forces. The Minister of the Interior and Administration explicitly presented the Polish approach as a departure from the ‘harmful open door policy’ pursued by the EU and the former Polish government (now in opposition) (Tok.fm 2016; TVN24 2016).

The discourse adopted by Polish state actors is not new or original as such; the fact that states seek to legitimise their actions by promoting discourses that support them is an integral part of stricter immigration policies everywhere. However, this kind of discourse has previously (in the years preceding the ‘migration crisis’) been somewhat uncommon in the Polish context. It was related not only to the fact that Poland, generally, admitted asylum seekers to its territory but also that migration was not a matter of public debate. It is also clear that the narrative of Polish authorities concerning asylum seekers is entangled in broader international and domestic political debates that are beyond the scope of this article.

The example of the framing of the situation at the border in a political language serves here, however, to show how the process of ‘bordering’ transposes the physical separation, which is the primary function of the border, into processes occurring within society. For, as argued by Balibar (2004: 109) borders no longer exist only ‘at the edge of the territory’ but have been multiplied and ‘transported into the middle of political space’. They bring about new or reanimate old political divides – between the current and the former government, the Polish and the EU ruling elites, citizens and non-citizens and ‘refugees’ and ‘migrants’. In the political space, they generate conflicts, emotions and narratives of exclusion and inclusion, becoming what Paasi (2012: 2307) calls ‘discursive/emotional landscapes of social power’.

Practices of resistance

The situation at the border provoked a series of responses by various actors who questioned and resisted the policy of closed borders. Asylum seekers typically tried to ‘test out’ different approaches to the border guards. As many families undertook multiple attempts to cross the border, they became familiar with some of the border guards, whom they attempted to address specifically. For example, one interviewee said:

There is this officer... he has a kind look in his eyes. So I tried to talk to him and I was careful not to raise my voice, cry or make him angry. I was talking to him softly, asking him to understand our situation, to show mercy. But this didn't help either.

However, the practices of resistance were not merely the asylum seekers’ repeated attempts to cross the border but also included the efforts that resorted to the different power levels at play here. Just as the border crossing became a site of multiple forms of power exercised by traditional structural agents or delegated to other parties, so the counter-practices also took the shape of multiple ‘diffused resistances’, put up at different levels.

In mid-2016, representatives of a Minsk-based human rights NGO, Human Constanta, arrived in Brest, alarmed about the growing number of Chechen asylum seekers pushed back from the Polish border. They further engaged in the provision of legal and humanitarian aid, which eventually resulted in the opening of a sub-office in early 2017. Soon, the asylum seekers engaged in a political form of resistance, when a demonstration was organised in Brest in August 2016 with about 150 Chechens protesting their non-admission to Poland (Chołodowski 2016; Karney 2016). The protest was soon peacefully ended by the Belarusian law enforcement services but Polish and Belarusian media reports also triggered the interest of Russian and European journalists.

On the Polish side, human rights groups working on refugee rights have appealed to the Polish government and supranational institutions, such as the UN and EU human rights bodies, to draw their attention and demand a reaction to the problem of denial of access to asylum.¹⁴ Several organisations have conducted monitoring missions and released public reports. Some have established temporary missions in Brest, where volunteers provide psychosocial support and humanitarian aid (that includes, amongst other things, the collection of winter clothing for asylum seekers in Warsaw and Minsk). NGOs have also tried to mobilise the support of Polish citizens through advocacy efforts (e.g. the creation of an online petition to the Ministry of the Interior and Administration) and taking part in public events where the socio-political situation in Chechnya is discussed. While it is hard to evaluate the impact of such actions in terms of awareness-raising, it was clear that the advocacy efforts to bring the problem of legal violation to the attention of decision-makers had little influence on the practices of the border guards, which was a quite early signal that the situation required not only a change of practice of the personnel on the ground, but a change of wider policy (a fact later confirmed in officials' public statements). It also seemed evident for the human rights activists that, in the public discourse in Poland and abroad, the situation at the Polish border remained overshadowed by, on the one hand, the acute humanitarian situation in the Mediterranean and, on the other, by the fear of terrorism associated with Muslim refugees.

Another type of resistance was put up at the legal level which centred around efforts to challenge the situation at the border within the framework of the existing legal regime. Employees and volunteers of various organisations offered support to Chechen families by accompanying them on the train going to the border. They also helped them to prepare the documentation of their experience in Chechnya (e.g. medical reports confirming beatings or torture, summonses to reports to law enforcement institutions, etc.) and arranged specific services (e.g. psychological consultations). They prepared written statements on behalf of the asylum seekers which were then handed to the officers at the border, so that they had to consider their content before refusing to accept an application. Volunteers also helped to write appeals against the decisions to refuse entry. Making use of the assistance of NGOs showed that these entities disposed of certain leverage mechanisms that could help asylum seekers 'present their case' at the border. While migrants were still dependant on border guard decisions, legal support made it more difficult for the latter to automatically dismiss a claim, as officers had to respond not only to them but also to persons with the high legal competence enabling them to question the decisions. These attempts, at the beginning unproductive in most cases, become partially successful in subsequent months when the NGOs in Brest became familiar with Polish immigration provisions and started to work on a more systematic basis. Many asylum seekers, mostly victims of torture and other vulnerable cases, were eventually let in thanks to NGOs' efforts. In March 2017, asylum seekers were also supported by a group of advocates from the Warsaw Bar Council who engaged in the provision of *pro bono* legal aid (*Polsat News* 2017). The resistance described at the legal level is also an example of the mobilisation of actors who had not been previously active in supporting asylum seekers. The example of the Warsaw Bar Council is particularly noteworthy as, by engaging in the provision of assistance at the border, the advocates not only made use of their professional competences but, on a more subtle symbolic level, their status as a respected social group served as the legitimisation of asylum seekers' position and helped to frame the situation as unlawful and unjust.

A distinct group of resistance practices was aimed at mitigating the consequences of closed borders through building resilience among those who could not return to Chechnya and remained stranded in Brest with an unclear future ahead. Social and psychological assistance provided by qualified volunteers in Brest helped them, to a certain extent, to make sense of the experience of liminality that resulted from the deadlock at the border. The humanitarian and psychological aspects of the lengthy stay in the border area, with its unclear prospects and, for many, with no possibility of return, had a particularly heavy impact on the children. In

October 2016, several large Chechen families with around 30 children in total were living in the waiting room at the station, without access to education, proper healthcare, sanitary facilities or nutrition – a scene that particularly moved volunteers and journalists on their first arrival there. Volunteers engaged in organising outdoor and indoor activities and games that particularly engaged this group of children. On the one hand, this often served the purpose of granting some ‘free time’ to the parents, who could buy groceries or consult a lawyer while their children were under the care of volunteers. On the other, as explained by one of the activists who came daily to the station to spend time with the children, certain activities, such as drama games or drawing, enabled children to express their emotions and cope with often traumatic experiences. These experiences originated not only from Chechnya but also from Brest and the border crossing, where children witnessed their parents’ humiliation and helplessness as they attempted to cross the border. Among the most popular role-plays was one called ‘the bad and the good border guard’.

Practices of in-group solidarity were another example of activities aimed at building resilience in the community. Many families rented apartments in the city (some of them for exorbitant prices, raised by the inhabitants of the city as the number of asylum seekers rose) but several families had long since run out of money and were forced to live in the waiting room of the station. My observations revealed that, while Chechens remained wary and reserved out of fear that other families might be related to Kadyrov’s people, they were also very helpful towards the weakest members of the community. For example, they mentioned that money was being raised for persons who had no financial means left. Often, these were the people who had stayed the longest in Brest and made the most trips (even up to 50) to the Polish border. Those round trips, made for the purpose of applying for asylum and crossing the border, were described by Chechens with the Russian word *popytka* meaning ‘attempt’. In spite of the very short distance between the cities, the cost of tickets was high and these journeys become a heavy financial burden for large Chechen families. *Popytka* served, therefore, as an indicator of the time spent in the border area and was used to establish which families needed help first. Those who had only recently arrived from Chechnya collected money for the ‘old arrivals’, who had made the highest number of attempts. In addition, interviewees mentioned the support which they received from relatives and from the Chechen diaspora in Germany, Austria and Belgium. To survive in difficult conditions was everyone’s aim, although sometimes for different reasons. Some of the asylum seekers clearly had nowhere else to go while others might have decided to stay in the hope of a change of policy or for fortune to smile on them at the next attempt.

Conclusion

In this article I have looked at the policy of ‘closed doors’ that the Polish government has adopted with regard to asylum seekers at the border with Belarus through selected conceptualisations developed within the field of border studies. The notion of ‘borderscape’ served as a conceptual lens helping to explain how a low-profile railway border crossing has become a highly politicised site filled with conflicting meanings and practices.

While the physical border and the laws governing it remained unchanged, bordering practices occurring on both sides of the demarcation line *within* the Polish and Belarusian state territories transformed it into a new social reality for asylum seekers, NGOs, journalists and train passengers. The power exercised by a nation-state over non-citizens remains a central problem in the context described; however it is no longer limited only to the Polish border guards at the crossing point but has transformed into Foucauldian ‘diffused’ forms of power, whereby actors (such as railway staff and Polish politicians) operating away from the border become the ‘door-keepers’ as they make decisions on entry to the Polish territory. In this changed reality, multiple new practices have emerged as a response (‘counter-power’) to the refusal of the right to entry, mobilising resources on both sides of the border. On a political level, power was applied by Polish state actors through a specific discourse

developed to support a restrictive migration policy. The concepts of framing and frame-alignment proved useful in explaining how and why certain interpretations were used by the Polish government to justify the push-backs at the border. On a more general level, this case study has helped our understanding of how borders are 'exploited to both mobilise and fix territory, security, identities, emotions and memories and various forms of national socialisation', as Paasi (2012: 2307) puts it and, in turn, has shed more light on the functioning of modern nation-states.

As part of the conclusion, I would like to point to one particular aspect of the 'bordering practices' described above that indicates pathways for further exploration, namely the entering of border governance into the sphere of the 'mundane ordinary world', the 'everyday life' of 'routines, taken for granted experiences, beliefs and practices', as described by Featherstone (1995, cited in Yuval-Davis 2013: 8–9). Connected with the imagery of 'diffused power' operating at the border, this idea is yet distinct in the sense that it points to the almost unnoticeable manner in which the everyday border routines operate. Logistical arrangements and ticket-selling practices (selling only return tickets and for designated seats) at the train station in Brest, which serve the purpose of segregating the passengers with different rights to the territory and facilitating the management of arrivals at destination, are examples of how the control of immigration diffused into the 'everyday' aspects of social life. Migration control thus became incorporated into the administrative functions of non-state actors (the railways administration) at the point of departure, where travellers with different statuses are governed while they make their daily journeys across the border. In their book, *Placing the Border in Everyday Life*, Jones and Johnson (2014) study the connection between borders and sovereign states by identifying such non-traditional actors – airlines and other transport companies and health and education institutions – which increasingly also play the role of guardians of the territory. Whereas the forms of control exercised by the guards at the border are visible and known, the practices of non-traditional agents often remain hidden behind the everyday routines. It is the sense of 'normalisation' accompanying everyday life, as Yuval-Davis (2013) calls it, that often makes it difficult to see the conflict and struggles that are part of it. Yet, in this and many other contexts, uncovering the hidden struggles of the 'everyday' is a particularly important task, necessary to understand not only the treatment of non-citizens by a nation-state but also the wider social relations within and beyond its boundaries.

Notes

¹ All the statistical data and information concerning asylum presented in this section come from UNHCR (2017).

² The findings from this monitoring were described in a Helsinki Foundation for Human Rights' report (Górczyńska and Szczepanik 2016).

³ All the statistical data and information concerning asylum presented in this section come from the Polish Office for Foreigners official website (Urząd do Spraw Cudzoziemców, *Statystyki – Zestawienia roczne*, <http://udsc.gov.pl/statystyki>, accessed: 20 February 2017) and Eurostat.

⁴ According to the UNHCR, arrivals via the Eastern and Central Mediterranean migration routes reached 1 million in 2015 and more than 350 000 in 2016. Source: <https://data2.unhcr.org/ar/documents/download/53447> (accessed: 24 July 2017).

⁵ Information provided on the website of the Ministry of the Interior of the Republic of Belarus, *Rules on the Stay of Foreign Nationals and Stateless Persons on the Territory of Belarus (Правила пребывания иностранных граждан и лиц без гражданства в Республике Беларусь)*, <http://mvd.gov.by/main.aspx?guid=3131> (accessed: 20 February 2017).

⁶ Ministry of the Interior of the Republic of Belarus, *Statistics on Forced Migration (Статистические данные о вынужденной миграции в Республику Беларусь)*, <http://mvd.gov.by/main.aspx?guid=69883> (accessed: 20 February 2017).

⁷ In 2016, the border guards issued 88 268 decisions refusing entry to foreign nationals at the Polish–Belarusian border (this number covers Terespol as well as other border crossings with a significantly smaller cross-border movement) – a 217 per cent increase in comparison with 2015 (28 237 decisions). The vast majority of these decisions were issued to Russian citizens (74 391); the second largest national group refused entry were citizens of Tajikistan (5 735). This number includes all cases in which a foreign national did not meet the conditions necessary to enter Poland. Therefore it is not possible to specify the exact number of people who have unsuccessfully tried to submit an application for international protection, as the decisions they receive are no different from those received by persons who did not have a valid visa or who have declared economic reasons behind their request to enter Poland. However, a substantial increase in the number of refusals of entry may be connected with the push-back policy against asylum seekers at Polish borders. All statistics come from the official website of the Border Guard Headquarters (Komenda Główna Straży Granicznej, *Statystyki*, <https://www.strazgraniczna.pl/pl/granica/statystyki-sg/2206,Statystyki-SG.html>, accessed: 20 February 2017).

⁸ Article 28(2)(2)(b) of the Act of 12 December 2013 on foreigners (Journal of Laws 2013, position 1650, with further amendments). Online in Polish: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20130001650> (accessed: 2 March 2017).

⁹ Article 30(1)(12) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws 2012, position 680, with further amendments). Online in Polish: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031281176> (accessed: 2 March 2017).

¹⁰ The only person allowed access to the ‘first interview’ was the Polish Commissioner for Human Rights.

¹¹ Denying access to the procedure on granting international protection to persons who declare a fear of persecution in the country of origin is a violation of Article 33(1) of the Convention relating to the status of refugees (principle of *non-refoulement*) and Article 6(2) of the Asylum Procedures Directive (2013/32/EU) obliging the state to ensure an ‘effective opportunity to lodge [an asylum claim] as soon as possible’. A refusal of entry into Poland issued to a person seeking protection due to the lack of a valid entry document also violates Article 28(2)(2)(a) of the Polish Act on foreigners.

¹² UN General Assembly, *Convention relating to the status of refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <http://www.refworld.org/docid/3be01b964.html> (accessed 09 March 2017).

¹³ See: Szczepanik and Tylec (2016).

¹⁴ For example: Helsinki Foundation for Human Rights (2016).

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