

# LANGUAGE AS A MIGRATION POLICY TOOL

**Pablo Ceriani Cernadas**

- *Critical remarks on the concept of “economic migrant”* •  
*and how it leads to human rights violations*

## ABSTRACT

*Pablo Ceriani Cernadas critically examines, from a human rights perspective, the process of constructing and utilising certain concepts in the field of international migration. He first highlights the contradiction between various terms and the reality they are supposed to explain or define. Secondly, he shows how these concepts play a dual role: how they conceal other aspects of this reality and also how they legitimise the policies and decisions that are presented as the necessary reaction to events portrayed in a partial, if not distorted, manner. Behind these concepts and the policies they seek to legitimise lie multiple, serious violations of the human rights of migrants, asylum seekers and refugees.*

*This analysis of discursive practices and migration policies gives special attention to a concept used widely by the international press and various social and political actors: the “economic migrant”. In recent years this concept has become especially prominent, given, in particular, the highly publicised migrations of tens of thousands of children and adolescents from Central America to the United States of America (U.S.) in mid-2014 and, a year ago, of the displaced populations of Syria and other countries of the Middle East and Africa towards Europe.*

## KEYWORDS

Migration policy | Economic migrant | Human rights | Mediterranean | Central America | Mexico

*“The purpose of Newspeak was not only to provide a medium of expression for the world-view and mental habits proper to the devotees of Ingsoc, but to make all other modes of thought impossible. (...)*

*This was done partly by the invention of new words, but chiefly by eliminating undesirable words and by stripping such words as remained of unorthodox meanings, and so far as possible of all secondary meanings whatever. To give a single example. The word FREE still existed in Newspeak, but it could only be used in such statements as ‘This dog is free from lice’ or ‘This field is free from weeds’. It could not be used in its old sense of ‘politically free’ or ‘intellectually free’ (...)*

*The B vocabulary consisted of words which had been deliberately constructed for political purposes (...)*

*No word in the B vocabulary was ideologically neutral. A great many were euphemisms.”*  
(George Orwell, 1984)

*“I want to appeal to all potential illegal economic migrants wherever you are from. Do not come to Europe.”*  
(Donald Tusk, President of the European Council, March 3, 2016)

*“You have to understand, that no one puts their children in a boat unless the water is safer than the land.”*  
(Warsan Shire, Home)

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## 1 • Introduction

This article reflects on the discursive strategies that characterise the contemporary narrative on migration, especially migration policies. More specifically, it will analyse the role of the production of euphemisms while highlighting those related to migration control mechanisms, such as the detention and expulsion of migrants. Next, it explains the error in classifying the mobility of people into two categories - refugees and economic migrants - which are incomparable. It will also look at the biased and reductionist nature of the term “economic migrant”, a term used to describe a complex and multidimensional reality. Then, it will briefly point out how this concept is linked to an obsolete vision that excludes notions such as “forced migration” and the so-called “need of international protection”, concepts

which are in urgent need of revision. It will also shine light on what the “economic migrant” concept is hiding: namely, the diversity and magnitude of the basic rights violations that are driving millions of people to leave their respective countries.

The central problem with the “economic migrant” concept – that the lack of rights-based explanations contributes to the justification and legitimisation of the responses that states are increasingly giving to migration in nearly all regions of the world – will then be examined. These responses have notable impacts, such as the denial of the human right to leave a country, the increase in the dangers of transit and particularly the multiplication of measures to arbitrarily detain and deport migrants, asylum seekers and even individuals recognised as refugees.

In this context, it will be argued that the categorical classification and separation between migrants and refugees or between economic migration and forced migration, together with other concepts, has led, on one hand, to a situation where the rights of migrants are increasingly being left unprotected. On the other hand, paradoxically, it brings the human right to asylum and one of the principle ways in which it is realised - refugee status - into question.

By way of conclusion, an attempt will be made to view this issue from the opposite paradigm - that is, while looking at the possible positive short and long-term effects of a change in the narrative on the international mobility of people. The point of departure is the idea that in order for the governance of migrations to truly be coherent, efficient, comprehensive and, especially, respectful of human rights principles and obligations, substantial changes to discursive practices are absolutely necessary.

## 2 • Migration policies: fertile ground for euphemisms

The “economic migrant” concept is another example of a distinctive feature of migration policies in recent years: the use of euphemisms. Euphemisms are used to elaborate discursive forms with certain political and communication objectives, which have consequences on at least two levels: first, the legitimisation of a certain approach to migration policy, which usually has a bias towards security; second, as a result, the infringement of the rights and guarantees of individuals who migrate or attempt to migrate.

According to Gallud Jardiel, in the political arena, euphemisms are *adulterated notions* whose objective may be to serve as a form of social manipulation.<sup>1</sup> Sánchez highlights that this linguistic tool for manipulation is intended for the “massive persuasion of citizens (...) used as an instrument to hide reality”.<sup>2</sup> Some euphemisms seek to render invisible, camouflage or describe something differently to conceal or distort all or part of its reality. It is a discursive construction that attempts to generate a reaction vis-à-vis a fact or phenomenon that would be different if the situation was called or explained differently.

These characteristics of euphemisms in the political sphere can be clearly seen in the area of migration policies. In the words of Van Dijk, “the very well-known rhetorical figure of the euphemism, a semantic move for mitigation, plays an important role when talking about immigrants”.<sup>3</sup> This linguistic manipulation is used to great effect through the elaborate language used in many countries to refer to migration control mechanisms, especially the two main ones used to respond to irregular migration: the deprivation of liberty and expulsion from a country.

When we observe the mechanisms designed to deprive a person of liberty for migration reasons, we find words such as: *detention, retention, securing, housing, stay, precautionary arrest, confinement, lodge, accommodate*, etc. As for the places where these measures are applied (in addition to cases where migrants are held in police stations and prisons), one can identify names such as: *Reception Centre, Migrant Holding Station, Temporary Detention/Accommodation Centre, Shelter, Immigration Housing Facility, Immigration Transit Accommodation, Removal Centre, Foreigners Guesthouse, Family Residential Centre* or even *Alien Detention Centre*, among others. The same creativity can be observed in other languages: *Centro de recepción, Estación migratoria, Centro de aprehensión/acogida temporal, Albergue, Centro de internamiento de extranjeros, Zone de Rétention, Local/Centre de Rétention Administrative, Centro di Accoglienza, Centro di Identificazione ed Espulsione*, etc.

International human rights law is very clear in this area. According to the Inter-American Commission on Human Rights, the concept “‘deprivation of liberty’ means: Any form of detention, imprisonment, institutionalization, or custody of a person in a public or private institution which that person is not permitted to leave at will, by order of or under *de facto* control of a judicial, administrative or any other authority (...) This category of persons includes not only those deprived of their liberty because of crimes or infringements or non-compliance with the law (...) but also those persons who are under the custody and supervision of certain institutions, such as: (...) centers for migrants, refugees, asylum or refugee status seekers, stateless and undocumented persons; and any other similar institution the purpose of which is to deprive persons of their liberty.”<sup>4</sup>

Therefore, without prejudice to the term used by each country, there is no doubt that when migrants find themselves being held in an establishment by virtue of the decision made by a public authority as part of a migration process and are not allowed to leave at will, they are deprived of their liberty. As a result, all the standards, principles and obligations related to the right to freedom and the prohibition of arbitrary detention must be applied without exception. Due to space limitations, we will not analyse in detail the deprivation of migrants’ liberty, which is one of the most serious symptoms of the profound crisis in the area of the human rights of migrants and asylum seekers. It must at least be said that even though the main problem is the detention of millions of people for administrative reasons, these practices are getting worse. In the majority of cases, detention occurs without providing even the minimum substantive (principle of legality, for example) and formal (guarantees of due process) guarantees.

The widespread use of euphemisms to (not) refer to the detention of migrants is intimately linked with this disturbing trend. These euphemisms mask reality in two ways: legally, as they attempt to avoid presenting these practices as the deprivation of liberty; and factually, by not describing the incident as it actually occurred. Thus, they seek to legitimise detention either by portraying it as a measure of protection (or, at least, not one of coercion) or by using other discursive strategies to justify it (e.g. migration as a threat). Finally, they ignore the rights and guarantees that should be ensured in these cases. The reasoning behind this is simple: if someone is not deprived of liberty, then why should the norms and principles established for such circumstances be applied?

Something similar occurs with the measures regarding the forced transfer of a migrant to another country, from a country of destination or transit, or even international waters. Here, we find terms such as *deportation*, *repatriation*, *expulsion*, *voluntary return*, *assisted return*, and *removal*, among others. They are various ways to name what constitutes, in practice (especially in legal terms), the application of a punitive measure that impacts the fundamental rights of an individual. First, their freedom is affected when they are moved forcefully, but several other rights, depending on the case, are also at stake, such as their family life, housing, labour rights, the rights of children, and even the right to physical integrity and life.

The imposition of these sanctions also involves the denial or failure to respect guarantees of due process, which must be ensured in all proceedings involving the imposition of a sanction or penalty on an individual by authorities. In some cases, deportation is practised without any kind of process, which violates the right to asylum and the principle of *non-refoulement*.<sup>5</sup> In another paper, we analysed the role that euphemisms play in legitimising the detention and expulsion of tens of thousands of migrant children and adolescents from Mexico to Central America.<sup>6</sup>

In the following section, we will examine a euphemism that has received a growing amount of attention in recent years and contributes to the legitimacy of these practices: “economic migrants”.

### 3 • The “economic migrant” concept: legally non-existent, reductionist and erroneous

Throughout 2015, while the attention of the global media was focused on the movement of millions of people from various African countries and the Middle East towards Europe, several debates emerged on how to classify the people who migrated in these circumstances. In the political, academic and journalistic discussions of these displacements, which were strongly influenced by the armed conflict in Syria, the attempts to explain the difference between “refugees” and “economic migrants” played a central role. Due to the impact of the measures adopted since then, some reflections on this subject are necessary.

For the International Organisation for Migration (IOM), “economic migrant” refers to “A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life...[it is] used to distinguish from refugees fleeing persecution or de facto refugees who flee due to generalised violence or the massive violation of human rights...[it] is also similarly used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without *bona fide* cause.”<sup>7</sup> When asked about the distinction “between a refugee and an economic migrant”, the United Nations High Commissioner for Refugees (UNHCR) affirmed that “migrants abandon their countries voluntarily in search for a better life. For a refugee, the economic conditions of the country of asylum are less important than his safety”.<sup>8</sup>

Each with their own nuances, various specialists, communicators and politicians have elaborated and/or disseminated a similar description in relation to these two “categories” of people who migrate. We will see below why “economic migrant” is a concept that does not legally exist, is reductionist and erroneous, and represents an obsolete and anachronistic vision. We will then look at the negative consequences of its use, particularly in the field of policies on migration and asylum.

### 3.1 – A category that does not exist from a legal standpoint

There is no legal definition or basis for the concept of “economic migrant”. This is not a minor issue, as it has been used extensively in comparison or in opposition to another concept that does, in fact, have a legal definition that is based on the 1951 Convention Relating to the Status of Refugees and its implementation.

While there is no doubt that the elements that shape the “refugee status” could be defined more precisely, the comparative use of the two concepts is inappropriate and has no *raison d'être*, given that they are notoriously different in nature, origin and purpose. These concepts were not created during the same historical period, nor in the same way; whereas one arose from an international convention (without bias surrounding its use beforehand), the other originated in the framework of communication practices and strategies.

As the concept of “refugee” has a clear legal definition, there is a set of principles, rules and standards, emanating from International Refugee Law (IRL) and International Human Rights Law (IHRL), that applies to it. One should ask, then, which elements define economic migration in order to identify the norms that regulate it, the rights of these individuals and the states’ obligations to them. The problem, which will be discussed further below, is that despite it not being a legal category, the concept “economic migrant” has been used to explain and justify measures that have profound implications for international law.

### 3.2 – A reductionist and erroneous concept

The biased nature of the “economic migrant” concept is due to the fact that it attributes a person or a family’s decision to migrate to only one factor - the economic one - thereby

rendering the multidimensional character of these displacements invisible. Numerous reports and analyses conducted by governmental organisations and bodies of the United Nations (U.N.), the European Union or the Organization of American States (O.A.S.), as well as social and academic experts, have reiterated time and again that migration is due to a combination of interrelated factors. This does not exclude the possibility that, for every case, there is one or several factors that play a determining role in the decision to migrate.

In the current context, attempts are being made to explain the mobility of tens of millions of people by pointing to merely “economic” reasons, despite the existence of an extensive list of factors that largely exceeds this variable. That said, the importance of economic factors in current migration flows should indeed be noted, but in quite a different way. In fact, their influence can be more clearly seen by observing the dominant economic system and its impact on the structural factors behind migration processes (war, social and institutional violence, poverty, inequality, needs of the informal labour market, human exploitation and trafficking networks, etc.). The importance of economic factors lies less in the personal motivation of the individual who migrates and more in the asymmetries between countries and regions, which, in turn, influence institutional (in)stability and the failure of sustainable and inclusive human development policies in the countries of origin. These motives are intrinsically associated to other factors (armed conflicts, corruption, social violence) that, together, lead to displacement.

Therefore, conceptualising migration as “economic” is not only irrelevant in legal terms, but also strongly biased and erroneous. It reveals a short-sighted vision that - as will be analysed shortly - serves to achieve certain objectives. Migration is a structural phenomenon that undoubtedly responds to multiple causes which, combined, can be found, without exception, in the cases of people who are currently migrating in situations of vulnerability (a concept that has a legal basis).

From a human rights perspective, *vulnerability* in the context of migration refers to circumstances that are defined by the violation of basic rights. The causes that lead to migration and determine how one migrates (in an irregular, precarious and risky manner), as well as the migrants’ living conditions in the country in which they transit or reside, are the ones that create or increase this vulnerability, which can be measured by the rights effectively exercised or, better said, that are denied or reduced. Vulnerability is not in a person, nor in the specific condition of each individual - nationality, sex, age, ethnic origin, etc. - but rather in the restrictions on their human rights, which are often imposed on the grounds of these factors.

Attributing migration - which takes place today in dramatic contexts such as that of the Mediterranean Sea, Mexico, etc., - to economic factors is wrong, to say the least. The reality in the countries of origin entails much more complex and serious circumstances in which a high percentage of the population is deprived of their most basic human rights. The reports of specialised bodies on the countries of origin of people going to Europe clearly demonstrate this.<sup>9</sup> Some directly state how the deprivation of rights is leading to the displacement of

massive amounts of people.<sup>10</sup> In the Americas, reports of U.N. and O.A.S. bodies<sup>11</sup> and studies conducted by social actors and academics<sup>12</sup> converge to corroborate the complementary nature of the motives for displacement in the region - especially of children and adolescents - and the multiple rights affected in the countries of origin, transit and destination.

In these circumstances, which affect the most basic aspects of human dignity, how can displacement possibly be classified as “economic” solely due to the fact that the situation of each person does not fit the definitions in Article 1 of the 1951 Convention? Let us reflect on a hypothetical case: a person migrates immediately after having been systematically deprived of his or her basic rights (work, health, adequate housing, education, etc.) and, in such circumstances, of various fundamental civil and political rights. All of this is due to his or her ethnic origin. However, his or her life or physical integrity is not in imminent danger of persecution by the state or a third party. Would this person be considered an economic migrant? Can one really say that this person crosses countries, deserts and oceans, or suffers different kinds of abuse only to be able to change his or her television, obtain a wage increase or some other economic benefit?

It is a question, then, of understanding this multidimensionality that clashes with concepts of the migration narrative that reduce the phenomenon to only one aspect and hide the intrinsic relation between factors that bring the denial of the human right to development to a sizeable percentage of the world population to light. The interdependency of affected rights as the cause of migration is thus ignored by conceptual categories that cut out any kind of rights-based language, prevent these causes from being addressed appropriately and fully, and legitimise restrictive migration policies.

### 3.3 – An obsolete vision

The problems linked to the forms of distinction between “refugees” and “economic migrants” expose the need to revise other concepts related to the international mobility of people in the current context.

In the words of Zetter, the dynamics of population displacement in the modern world are very different from the circumstances in which the 1951 Convention and its 1967 Protocol were adopted. The growing complexity and indiscriminate logic of violence, conflict and persecution - together with factors such as poverty and poor governance - cause involuntary migration. Therefore, it is often a combination of factors that are at the heart of displacement. However, many people who migrate do not fit within the categories fixed by norms that define the challenges and needs of protection in a very restricted way. This points to conceptual issues on the evolution and the scope of the interpretation of protection for forcibly displaced persons.<sup>13</sup> For Delgado Wise, uneven development in the neoliberal context generates a new kind of migration that can be characterised as forced, due to structural conditions that have promoted the massive migration of excluded and marginalised people.<sup>14</sup>



Furthermore, according to Cielis and Aierdi, “many migration movements are categorised as voluntary or economic when they should be considered forced in light of the said [IHRL] instruments...it is urgent to come to a consensus on an inclusive definition of forced displacement that takes into account the violation of economic, social and cultural rights...we understand that there are enough elements in IHRL to believe that a displacement initiated due to a serious violation of human rights could be considered forced; that this violation of rights affects not only civil and political rights, but also economic, social and cultural rights.”<sup>15</sup>

In fact, the restrictive interpretation of *forced migration* - limiting it to the status of refugee - is linked to a biased and uneven view of human rights. The historical debate between civil and political rights, on one hand, and economic, social and cultural rights, on the other, has responded to priorities that help preserve the existing levels of asymmetry in the distribution of wealth and power at the international level and within countries. The discussion in this article aims to plot another modality for expressing this debate as a response to the different ways of addressing the violation of some rights but not others, to the invisibility of the interdependency between the rights and the practices that violate them, and the different reactions - including discursive ones - to migration that contribute to the infringement of those rights.

This also raises the need to revise the concept of a “person in need of international protection”. Lately, the use of a limited interpretation has become widespread, which refers solely to a person who may be recognised as a refugee or obtain a subsidiary or complementary status. On the contrary, however, the modalities of “international protection” must reflect the variety of regulatory arrangements, rights and guarantees recognised under international law. IHRL would serve, then, as a sort of cross-cutting umbrella and, at the same time, a minimum standard that must apply in all cases, without exception and without excluding the possibility of using a “specific protection” based on IRL, humanitarian law and other international legal instruments as a complement for each case.

We analyse below the political and practical implications of this discursive resource that is part of the contemporary narrative on migration.

#### 4 • Economic migrants: the legitimisation of restrictive migration policies through discourse

A key problem deriving from the use of concepts such as “economic migration” and others mentioned above is that it conceals a complex and multidimensional reality in which human rights, human development, humanitarian law and refugee law are going through a major crisis. This simplification of discourse is not fortuitous - for many reasons - as it seeks to dismiss any possibility of addressing this issue - and the people forced to move - through a human rights based approach. The implications of this partial approach can be seen in the policies, measures and practices adopted in response to this phenomenon.

The discursive practices of describing, delimiting and omitting reality present the people who are displaced in conditions of extreme vulnerability as subjects who are entirely free to make this decision, as if there were no need to protect their rights. Moreover, if the possibility that this person may be a refugee is discarded, what remains is, on one side, a person who voluntarily wants to enter another country for economic reasons and, on the other, a state exercising its sovereign power to deny a foreigner entry and/or right to stay in its territory.

As a result, in these cases, another kind of response becomes legitimised. According to Pace and Severance, “the danger in using [economic migrant] is that it risks leading one to the incorrect assumption that such migrants are never entitled to any regularised status and thus can be summarily refused entry or deported. In some instances, a migrant who is neither a refugee nor an asylum seeker may have the legal basis for regularised stay in a reception country. In any case, all migrants have rights which must be respected. It is important that public discourse recognises the distinctions above in order to enable reasonable and respectful solutions to be found.”<sup>16</sup>

This dual description, without nuances, can give rise to many cases where a number of human rights may be at risk because of the causes that drove a person to migrate or the situations he or she experienced while in transit, and these risks are not assessed when the decision is being made. This difference is fundamental, as it is one thing when a sovereign state has before it a person who migrates entirely out of his or her free will, and quite another when the same state is addressing an individual whose rights may be at risk if returned to his or her country of origin or of transit. This is without prejudice to the formal and substantive guarantees that must always be guaranteed, without exception.

In light of the lack of a rights-based approach to conceptualising this situation, the response to irregular migration viewed through the prism of security and sometimes sanctions is strongly legitimised. This consequence has appeared repeatedly in the different measures adopted in recent years in the context of the misnamed migration and humanitarian crises in the U.S. (2014) and Europe (2015).<sup>17</sup> Since then, the reaction has not been very “humanitarian” in nature, much less focused on a rights based approach. It is enough to mention the construction of two detention centres for hundreds of migrant families and asylum applicants in the state of Texas;<sup>18</sup> the temporary closure of borders and the construction or expansion of fences or walls in several European countries; and, more recently, the entry into force of the E.U.-Turkey Agreement on 20 March 2016, which legitimises the detention and expulsion of migrants, asylum seekers and individuals recognised as refugees.

This description of migration as an economic issue - based on a decision made freely and in no way forced and, therefore, where there are no rights at stake, nor the “need for international protection” - is complemented by other discursive practices that help lend greater legitimacy to the responses. Without going into detail on this, due to space limitations, it is worth recalling the construction and extensive use of the term “illegal”,<sup>19</sup> which has served as the basis for the explicit or implicit fabrication of a broad, negative

and stereotyped social imagery at the global level. This imagery, in turn, sustains certain mechanisms of migration control and the negation or restriction of social rights. The description of migration as “avalanches”, “invasions” or “floods” have helped create a sense of urgency and justify practices typical of a state of emergency.<sup>20</sup>

Therefore, as Grange explains, the language used for the debate on migration and asylum consists less in a euphemism and more in a “defamism”, as it gives negative connotations to migration. The pejorative discourses on these issues have become a tool for justifying and lending legitimacy to the severity of the political responses through the *demonisation* of migrants.<sup>21</sup> Doherty, for his part, specifies that the semantic shift is no accident, nor is it a minor corollary of the policy changes. On the contrary, language has been a deliberate and integral part of these policies. The rhetorical constructions have enabled several governments to adopt increasingly punitive regimes towards migrants and asylum applicants.<sup>22</sup> Nearly a decade ago, Zetter warned of the growing politicisation and conceptual fragmentation on this issue based on the interests of countries of the Global North.<sup>23</sup>

Legitimising increasingly restrictive migration policies through the use of narrative strategies (combined with other factors, obviously) has not only affected the human rights of migrants. The attempts to neatly separate “migrants” from “refugees”, together with a narrow concept of the “need for international protection”, the promotion of the “economic migrant” concept, or even a certain interpretation of references to “mixed flows” have not produced all the desired effects (the effective protection of refugees); in many cases, it has been quite the opposite.

As they feel legitimate in their measures to restrict rights that include border protections or the externalisation of migration control, various states have gone to such extremes that the right to asylum and the international protection of refugees have been severely challenged. One example is the situation of Central American asylum seekers in Mexico or the use of off-shore detention facilities built by Australia in neighbouring countries.<sup>24</sup> In the case of the E.U., the establishment of “quotas” for the maximum number of refugees to be accepted and resettled among member states (which have never even been filled in practice)<sup>25</sup> and the returns from Greece to Turkey are symbols of this grave tendency. This situation demands that the discursive practices contributing directly or indirectly to this problem be thoroughly revised.

In the end, forced migration must be analysed and addressed as a human rights problem that goes beyond the scope of international refugee law. The complementarities between IHRL, international refugee law and international humanitarian law are vital for legally framing the responses to the displacements and migrations that we are currently witnessing. All people must be guaranteed each and every one of the forms of protection to which they are entitled on the basis of the situation in which they find themselves, as well as the rights at stake in each case, including the human right to asylum recognised under various international instruments.

## 5 • Final remarks

The global scenario reveals the complexity of the causes of migration and, as a consequence, the extreme vulnerability in which human mobility emerges. Faced with this situation, many states have developed - instead of policies and strategies to protect these people based on the rules of international law - various mechanisms that have caused vulnerability to increase in both areas of transit and countries of destination. The alarming number of migrants or asylum seekers who have died or disappeared on migration routes and the tens of thousands who are arbitrarily detained or deported year after year are some of the direct and indirect impacts of these responses.

These few pages have attempted to warn about the role played by certain concepts that occupy a central place in discursive practices on migration at the political, communicational and social level. With a special emphasis on the term “economic migrant”, this paper has tried to give visibility to the fact that the use of an erroneous, biased and obsolete description of the causes of migration and the people who migrate helps to conceal other core elements of this phenomenon. It also influences the delineation of the priorities of migration policies and the design of mechanisms of control and sanctioning (sustained, for their part, in euphemisms), which have increasingly affected the rights of migrants, asylum seekers and refugees.

At the same time, while there has not been the space to address this here, it is important to highlight the importance of the media in this process of producing and/or disseminating such discursive strategies, which include the concepts analysed here. Various studies have highlighted their role in the dissemination of pejorative, stereotyped or distorted messages on migration and thus the creation of a social imaginary that influences the very definition or legitimisation of migration policies.<sup>26</sup> These studies have also warned about the role certain media outlets have played in certain electoral bodies in order to favour conservative or extreme right-wing political parties known for their anti-immigration discourse.<sup>27</sup>

In this context, it is imperative to further the debate on these discursive practices so as to promote a series of changes that, contrary to what we have described, contribute to achieving the social and political consensus necessary to address migration adequately. Establishing an honest, realistic and complete description and conceptualisation of migration, its causes and its consequences constitutes an essential step in the identification of responses that are, on one hand, timely and efficient and, on the other, grounded on the full guarantee and respect of the obligations under international human rights, humanitarian and refugee law.

The promotion and dissemination of these changes in the area of language and discourse could contribute to an adequate understanding of the structural causes of migration. This, in turn, would lead to the adoption of plans at the global, regional and national levels with short, medium and long-term measures aimed at overcoming these factors. This also applies to the causes that exist in both countries of origin and destination: for example, the

demands of the informal labour market. It would also contribute to the creation of new channels for regular migration, including the elimination of existing obstacles.

Therefore, precise definitions of concepts would contribute to the enforceability of substantial changes to the policies on migration control, particularly in transit and destination countries. International protection - based on the aspects of international law mentioned above - requires an urgently-needed commitment to put an end to the deaths and disappearances on migration routes; reverse setbacks related to the right to freedom and the arbitrary imposition of sanctions, such as deportations; and design responses to irregular migration that are geared towards the search for long-lasting and legitimate solutions in full accordance with the rule of law and the norms and principles of international human rights law.

## NOTES

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3 • Teun Van Dijk, "Política, Ideología y Discurso," *Quórum Académico* 2, no. 2 (2005): 38.

4 • IACHR, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas* (Washington, DC: CIDH, March 31, 2008). Approved by the Commission during its 131st regular period of sessions, March 2008.

5 • On this issue, see: Pablo Ceriani Cernadas, "Control migratorio europeo en territorio africano: la omisión de la extraterritorialidad de las obligaciones de derechos humanos," *Sur International Journal on Human Rights* 6, no. 10 (2009): 189-214.

6 • For more on this, see: Pablo Ceriani Cernadas, coord., *Niñez detenida: Los derechos de niños, niñas y adolescentes migrantes en la frontera México-Guatemala. Diagnóstico y propuestas para pasar*

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7 • Organización Internacional para las Migraciones (OIM), *Los términos clave de migración*, accessed March, 2016, <https://www.iom.int/es/los-terminos-clave-de-migracion>.

8 • Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR), *¿Quién es un Refugiado?* accessed March, 2016, <http://www.acnur.org/t3/a-quien-ayuda/refugiados/quien-es-un-refugiado/>.

9 • See, among others: Comité de Derechos del Niño. Observaciones finales: Eritrea. CRC/C/ERI/CO/4, del 2/07/2015; Comité de Derechos Económicos, Sociales y Culturales. Observaciones finales: Iraq. E/C.12/IRQ/CO/4, del 27/10/2015; Comité de Derechos Humanos. Observaciones finales: Iraq. CCPR/C/IRQ/CO/5, del 3/12/2015, Report of the Independent Expert on the situation of human rights in Somalia, A/HRC/27/71, del 4/09/2014.

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11 • Comité de Derechos del Niño. Observaciones finales: Honduras, CRC/C/HND/CO/4-5, del 3/07/2015. Comité de Derechos Económicos, Sociales y Culturales. Observaciones Finales: Guatemala, E/C.12/GTM/CO/3, del 9/12/2014. See also IACHR, *Situación de derechos humanos de familias, niños, niñas y adolescentes no acompañados refugiados y migrantes en los Estados Unidos de América* (Washington, DC: CIDH, 2015) OAS/Ser.L/V/II.155, Doc. 16, del 24/07/2015.

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14 • Raúl Delgado Wise, Humberto Márquez Covarrubias y Ruben Puentes, "Reframing the Debate on Migration, Development and Human Rights," *Population, Space and Place* – Wiley Online Library 19, no. 4, (2013): 430–443.

15 • Raquel Celis Sánchez and Xabier Aierdi Urraza, "¿Migración o desplazamiento forzado? Las causas de los movimientos de población a debate," *Cuadernos Deusto de Derechos Humanos* 81 (2015).

16 • Paola Pace and Kristi Severance. "Migration terminology matters," *Forced Migration Review* 51 (January 2016): 69–70.

17 • The way these situations were called also corroborates the analysis presented in this article. In these cases, the "error" is not in defining them as a "crisis", but rather in indicating the geographical place where the crisis occurred and its main characteristics and consequences. The true crisis - of human rights and human development - is in the countries of origin; and then, the humanitarian, human rights and protection of refugees crisis is in countries of transit and destination, precisely due to the way displaced people are being treated.

18 • See Lutheran Immigration & Refugee Service and Women Refugee's Commission, "Locking up Family Values, Again. The Continued Failure of Immigration Family Detention," *Family Detention Report* (October 2014).

19 • It is significant that it is not necessary to explain to what the term "illegal" - used as a noun, and not an adjective - refers to in a news headline. When one reads this kind of news, the individuals are not presented, for example, as someone condemned for a crime against humanity or some other serious crime, but rather people who left their country in a vulnerable situation in search for decent living conditions and whose situation is irregular in administrative terms, usually due to factors beyond their control.

20 • See, for example, Javier de Lucas, "Inmigrantes. Del estado de excepción al estado de derecho," *Oñati Socio-Legal Series* 1, no. 3 (2011).

21 • Mariette Grange, "Smoke Screens: Is There a Correlation between Migration Euphemisms and the Language of Detention?" *Global Detention Project Working Paper* 5 (2013).

22 • Ben Doherty, *Call me illegal. The semantic struggle over seeking asylum in Australia* (Oxford: Reuters Institute for the Study of Journalism, University of Oxford, 2015), 80.

23 • Roger Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization," *Journal of Refugee Studies* 20, no. 2 (2007): 172–192.

24 • The World Post. *Australia's Hidden, Deadly*

*Migrant Crisis*. En Charlotte Alfred, "Australia's Hidden, Deadly Migrant Crisis," *The WorldPost*, May 7, 2016, accessed May, 2016, [http://www.huffingtonpost.com/entry/australia-migrant-crisis-deaths\\_us\\_572d01abe4b096e9f0917807](http://www.huffingtonpost.com/entry/australia-migrant-crisis-deaths_us_572d01abe4b096e9f0917807).

25 • Incidentally, up until now (May 2016), E.U. member states have not even met the minimum quotas to which they committed. Whereas more than 1 million people arrived on E.U. territory in 2015, by September of that year, the governments had only assumed the responsibility to distribute 160,000 people among themselves. As if this decision were not bad enough, official information reports that

months later, less than 1% of these people - 1,145 to be exact - had been effectively received by E.U. member states. For more on this, see: European Commission, *Relocation and Resettlement: E.U. Member States urgently need to deliver*, Strasbourg, April 12, 2016, accessed June, 2016, [http://europa.eu/rapid/press-release\\_IP-16-1343\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1343_en.htm).

26 • See, among others: Aidan White, *Moving Stories. International Review of How Media Cover Migration* (London: Ethical Journalism Network, 2015).

27 • Greg Philo, Emma Briant and Pauline Donald. "The role of the press in the war on asylum," *Race & Class* 55, no. 2 (2013): 28–41.



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