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Anti-Immigrant Rhetoric and Detaining the “Other”

Not a day goes by without increasing discrimination against refugees around the world. Sometimes, this takes the form of a U.S. president making baseless claims about refugees eating other people’s pets. Other times, it’s as simple as your neighbour oversharing her discontent on how the apartment next door is now “filled only with refugees”. This systemic hostility forces refugees into invisibility, confined to rural areas or detention centers far from urban life, disconnected from the host country’s everyday experiences. Such practices undermine the prospects of coexistence and integration for both refugees and host communities. In a time when the global refugee and asylum management system is under immense strain—further worsened by the constant rise of anti-immigrant political movements in many affluent countries—this post emphasizes the urgent need for responses to refugee integration and explores the possibilities of building a more inclusive world.

Recent Developments in the Migration Discourse: A Backslide?

Individuals seeking refuge increasingly find themselves in hostile environments regardless of where they go. In Europe, refugees are faced with having to navigate stricter immigration policies and are being subjected to anti-migrant rhetoric. According to a September 2023 Report by the European Alternatives to Detention Network (EATDN), factors which contribute to an “increase in hostility towards migrants, refugees and people seeking asylum in the region, includ[e] rising nationalism, economic uncertainty, and increased xenophobic discourse.”

This is evident not only in real-life examples but also in policies that perpetuate these attitudes. Since January 2024, refugees and asylum seekers in Germany have faced legal changes under tightened asylum policies introduced by the centre-left government. These changes facilitate deportations by extending detention periods and granting authorities increased powers to search the accommodations of asylum seekers and their families. The new laws not only heighten the risk to personal safety but also deepen social exclusion, further entrenching discriminatory practices that undermine the dignity and security of affected individuals. More recently, Friedrich Merz is pushing his 5-point plan which promises a further tightening of Germany’s migration and asylum laws.

In January 2025, right after Donald Trump assumed the US presidency, his administration initiated plans to expand detention facilities as part of its “mass deportation” agenda. This included broadening the “expedited removal” program, which allows immigration officers to deport individuals without due process if they lack immigration documents and have been in the U.S. for less than two years. Under this policy, individuals could be detained and deported without appearing before a judge. Immigration and Customs Enforcement (ICE) also announced plans to more than double its detention capacity by building four 10,000-bed facilities and 14 smaller sites, with state and local law enforcement enlisted to aid these efforts.

At a time when fostering engagement between refugee and host communities should be prioritized, governments often seek to deepen societal divisions by framing refugees as the “Other.” This process of othering frequently manifests through detention, aimed at isolating refugees from public life and ultimately facilitating their deportation.

Legal Implications of Refugee Detention

Detention is viewed as a necessary measure in response to real or perceived abuses of the asylum process, or to similar threats to the security of the State and the welfare of the community, recognized both by UNHCR and the international community of States (cf. Goodwin-Gill). Under certain conditions, states may enforce restrictions on freedom of movement (ibid.).

According to Art. 31(2) of the 1951 Refugee Convention, states should only be allowed to restrict the movement of refugees when this is “necessary and such restrictions shall only be applied until [the refugees’] status in the country is regularized or they obtain admission into another country”. In cases where refugees are to be admitted into another country, states should allow for a reasonable period and provide for the necessary assistance. Although it allows for the detention of refugees, the article limits the reason and period of detention. The term “necessity” in detaining a refugee is explained under UN Executive Committee Conclusion No. 44. According to the Committee, detention, if needed, may only be used for specific reasons under the law: to verify identity, assess refugee claims, handle cases where documents are destroyed or fraudulent, or protect national security or public order. Moreover, the period of detention should be brief, used primarily to identify refugees and asylum-seekers and establish their asylum claims, and should not be extended as punishment or unnecessarily prolonged during lengthy asylum procedures. However, in the case of a mass refugee influx, the aspect of “necessity” loses its specificity against an apprehension towards national security and public order.

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Within this context, revisiting human rights treaties to build a presumption from detention and a presumption of liberty is of utmost importance. [UN Guidelines](#) on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention consistently reminds us of the aspect of “necessity” in detaining refugees — “detention is an exceptional measure and can only be justified for a legitimate purpose” (p. 16). Under the guidelines, these legitimate purposes are to protect public order, public health, and national security. However, the same guidelines also enumerate the purposes that do not justify detention (p.19), i.e. detention as a penalty for illegal entry and/or as a deterrent and detention of asylum-seekers on grounds of expulsion. The persistent anti-immigrant rhetoric (see [here](#), [here](#) and [here](#)), combined with the use of detention as a purported deterrent against so-called ‘illegal immigrants’—as evidenced in the cases of the U.S. and Germany—reflects a growing reliance by states on detention as a punitive mechanism, rather than upholding its intended purpose as a measure of last resort.

Refugee Detention as a Form of Othering

Apart from these more existential harmful effects, refugee detention in its current iteration promotes negative effects at the structural level. The Othering of refugees is growing more common in refugee discourse, with the local population being seen as *us* and the refugees as *them*. Without going into the [philosophical background](#) of the concept of Othering, what is more pertinent to our argument here is that the refugees are conceptualized as the Others, where [“difference is perceived as being more problematic than enriching](#), and this makes it difficult to contribute to integration.” Placing refugees in detention inevitably categorizes them as the *Other* by creating the division at the structural level between the local and newly-joined populations, further reaffirming and perpetuating any existing racialized ideologies — *if my government detains them, they must be criminals*.

As if refugees’ journeys are not harrowing enough, they arrive at a place where they are not welcomed. Refugees’ differences are viewed negatively and further contribute to the existing and ever-growing disenchantment locals have towards *them*, which further exacerbates refugees’ already fragile situation. A prominent example of this manifestation in action is locals (who subscribe to far-right sentiments) [attacking refugees, such as in Germany](#). Of course, there are many other examples of harmful manifestations of Othering which have occurred within social contexts involving migrant communities such as in the [UK](#) and [Turkey](#), further illustrating the precarious state even for those who try their hardest to integrate into their host communities.

Can Alternatives to Detention be a Solution to Bridge the Gap of Othering?

If states have an obligation to prevent behaviours that contribute to human rights violations, such as discrimination, they must exercise even greater caution to avoid perpetuating such practices themselves (cf. [Behlert and Blicke](#)). Policies and rhetoric that fuel or legitimize xenophobia undermine the fundamental principles of human rights, transforming spaces meant for the protection and enjoyment of rights into environments where those very rights are threatened and feared ([ibid.](#)). This holds particularly true in the case of arbitrary refugee detention, where individuals are subjected to prolonged deprivation of liberty and denied their right to seek asylum in safety and dignity, often with the underlying intent of ‘getting rid of’ or ‘othering’ refugees, reinforcing harmful narratives of exclusion and marginalization.

Due to mixed migration flows, states in Asia Pacific have chosen to address [“all dimensions of migration in a holistic and comprehensive manner](#),” which includes exploring alternatives to detention (ATD) to safeguard the rights of these refugees. Most notably, the [Memorandum of Understanding on the Determination of Measures and Approaches for Alternatives to Detention of Children in Immigration Detention Centres \(MOU-ATD\)](#), signed by seven government agencies in 2019, mandates the release of children from immigration detention into community care, or, where necessary, placement in shelters as a last resort. Malaysia has the Community Placement and Case Management (CPCM) Programme, which operates independently from the government and detention of refugee and asylum-seeking children have effectively ceased in Indonesia (p. 42). In Thailand, their [Alternatives to Detention Programme](#), which has been designed to provide a holistic support framework for refugees, prioritizes the safety and well-being of refugees during the resolution of their status. Although still an initiative in progress, the ATDs provide promising frameworks.

The consideration of alternative methods to detention presents an opportunity for states to replace potential abuses within the asylum process with safer, more humane options for both the state and refugees. This would correspond with the host state’s responsibility to exercise greater caution and would be a step towards safeguarding the individuals’ rights. Additionally, through a top-down approach, issues of inclusion and integration for both host and refugee communities can be better addressed, ensuring that both sides are supported in fostering mutual understanding, cohesion, and long-term well-being.

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Concluding Remarks

Although it is important to argue that detaining refugees and asylum seekers should be exceptional, based on individual assessment of necessity according to established legal criteria and international refugee and human rights standards, a radical re-evaluation of the necessity of the existence of refugee camp detention is also very much needed. Building a strong base for a presumption against detention, mandatory reflection periods, and options for detention releases are some remedies that are brought by the ATD movement.

The journey of a refugee does stop the moment they enter the shores of any country. States are obligated, under international law, to respect, protect, and fulfill human rights, protecting against human rights abuse within their territory. Detention only makes this journey worse, compounding with the increasing and harmful manifestations of Othering of refugees. Such manifestations indicate that there needs to be a better way to process these refugees to mitigate the process of Othering between the locals and newcomers. Efforts to promote social cohesion amongst these communities are especially imperative in host states, which means that there is a need to look at alternatives to detention as part of a suite of measures in refugee and asylum management.