



Contagious Terror: Violence, Haunting and the Work of Refugee Protection

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ABSTRACT *This article argues that contrary to its humanitarian semblance, state-controlled refugee protection is a project of substantial violence, and that the violence of refugee protection is continuously disseminated through and across a wide range of unlikely actors and institutions. Drawing on Avery Gordon (2008) and Franz Fanon (1965), I show that the violence of refugee protection makes itself known in its haunting effects on those who come in contact with it in various capacities: those who carry through the work of refugee protection, such as refugee claim decision makers, lawyers and support workers, are plagued by psychological ailments that manifest in periodical burnouts, anxiety, melancholy, alcohol abuse, and unrelenting moral and emotional dilemmas. These ailments reveal the violence of refugee protection not just in relation to refugees, who are often construed as the exclusive subjects of violence, but also towards non-refugees who come into contact with “protection” work.*

KEYWORDS refugee protection; haunting; Fanon; state violence; migration control

Introduction: The Polarized Geographies of Refugee Protection

In common imaginaries, Canada is a model of refugee protection: a country with a strong record and reputation of protection recognized by a Nansen medal in 1986, among other things (Abella & Molnar, 2006). As such, Canada is distinguished spatially from geographies of violence and persecution that are thought to create the desperate need for refuge. To be sure, the need for asylum is unquestionable; according to the UNHCR (2020), at the end of 2019, 79.5 million people were forcibly displaced from their homes as a result of conflict or persecution. The vast majority of the displaced live in immense precarity in economically struggling neighbouring regions and countries. Twenty-six million of the world’s displaced population meet the legal definition of a refugee. Unsurprisingly given this state of affairs, many (try to) come *here* to find safety from the violence *there*. In the geographically polarized imaginary of refugee protection, “here” is envisaged

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ISSN: 1911-4788



as safe and free from the violence that taints places far away. Of course, this dichotomous geography acknowledges the violence that is transported here through the refugee, for instance, in the form of PTSD.¹ However, even in this formulation, violence is presented as an alien after-effect, produced only by the harm elsewhere. In short, “here” remains largely free from charges of serious and original violence.

In this article, I challenge the common spatial dichotomization of violence and refugee protection. I take Canada as the site of my analysis to argue that contrary to its humanitarian semblance, state-controlled refugee protection is a project of substantial original violence. I show that this violence can be traced in the continuous dissemination of harm through and across a wide range of unlikely actors and institutions. Thus, I suggest that violence is not an aberration from “protection,” but a regular feature of the way the work of refugee protection is organized and conducted.

Wenona Giles and Jennifer Hyndman (2004) have helpfully critiqued the assumed distinction between *here* and *there* in the context of militarized conflict. Along with Cynthia Cockburn (2004), they conceptualize violence as a continuum that far transcends any clear distinction between polarities of war (or persecution) and peace (or protection). As Cockburn (2004) notes, the waves of political, economic, and civil instability that follow militarized conflict reproduce structural violence on a continuum, and fuse times and spaces of war and postwar; hence, it is meaningless to hold any “sharp distinction between peace and war” (p. 43).

Conceptualizing violence as a continuum allows questioning polarized geographies of persecution and protection; the two supposedly disparate spaces may be marked by a “connectedness between kinds and occasions of violence” (Cockburn, 2004, p. 42). Although state-controlled refugee protection takes effect in the chronological aftermath of the persecution that sends refugees fleeing, its violence is not simply an *after*-effect of what has already transpired *there*. To the contrary, violence transpires *here* and *now*, and, in fact, during the very process of protection.

I suggest that the original violence of refugee protection can be traced in specters of harm that haunt regimes of protection from within. Avery Gordon (2008) has suggested,

Haunting is one way in which abusive systems of power make themselves known and their impacts felt in everyday life, especially when they are supposedly over and done with (slavery, for instance) or when their oppressive nature is denied (as in free labor or national security). (p. xvi)

As an operation whose oppressive nature is not only denied but also reformulated into an antithesis of oppression, refugee protection is haunted by specters of deeply buried violence. The violence of refugee protection makes

¹ For a few examples, see Mpofu et al. (2001), Beiser et al. (2015), Raevell and Fazil (2016), Li et al. (2016), and Nakeyar et al. (2016).

itself known in its haunting effects on those who come into contact with it in various capacities: those who carry through the work of refugee protection (refugee status adjudicators, lawyers and support workers) are plagued by psychological ailments that manifest in periodical burnouts, anxiety, melancholy, alcohol abuse, and unrelenting moral and emotional dilemmas. These ailments reveal the violence of refugee protection not just in relation to refugees, who are often construed as the exclusive subjects of violence, but also towards non-refugees who come into contact with protection work. It is not that refugee protection is understandably and excusably imperfect, but that, as the specters that come to haunt these non-refugees insist, this work is productive of original and devastating effects *in its own right*.

Tracing the haunting violence of refugee protection requires re-scaling analysis of state operations to the level of the individual (Mountz, 2004). Such re-scaling allows an “embodied account of statecraft” (Hiemstra, 2012, p. 306): a close and intimate view of the experiences and implications of state policies and practices for those who conduct or receive them. Much of the work of the state, for instance in regulating borders and migration, is embodied and operates at the “bodily scale” (Coleman, 2008, p. 1097); borders move “with the bodily movements of [state] authorities” (Mountz & Hiemstra, 2012, p. 465) as well as migrants (Khosravi, 2010). For the purposes of this study, the *embodied* account of statecraft needs to be extended beyond the literal corporeality of the body to also capture the movements on, in and by its associated psyche. Tracing the haunting violence of protection calls not only for an ethnographic view of the state, but also a sketching of what follows emotionally, morally, mentally and psychologically from undertaking the work of protection. In short, we require a *psychic* account of statecraft.

Frantz Fanon (1965, 2008) has capably made the psyche a relevant site of analysis for examining the enduring injuries of regimes of structural violence. Fanon speaks, for instance, of the psychic development of the colonized child under colonial rule (2008) and the production of the “colonized personality” (1965, p. 203) under the dehumanizing conditions of colonization. While much of Fanon’s work is focused on understanding and undoing the injuries inflicted on the colonized, the psychological universe of the colonizer has not escaped his analysis. In the section titled “Colonial War and Mental Disorders,” Fanon (1965) extensively discusses an array of mental disorders that arise in both the colonized and colonizers as the result of colonial war. His psychiatric case reports reveal that structural violence is productive of systemic psychiatric disorders, at times in unlikely people and places, such as colonial interrogators and their families.

Needless to say, the injuries experienced by the colonizer, unlike those inflicted on the colonized, are unplanned and unintended. Nonetheless,

Fanon's psychiatric notes suggest, these injuries are a common feature of regimes of racial and colonial violence. In other words, the structural violence of colonization can be traced *even* in those who are not meant to be its direct targets. Indeed, the fact that even non-targets, including benefactors and perpetrators, become trapped in webs of violence is perhaps a clear indication of the injustice of oppressive systems. Thus, looking for violence in unlikely and unintended times and places can be particularly revealing; in the context of this paper, if violence is to be found *here* at home, within the psyches of those who undertake the work of protection and have, in fact, never been *there*, violence may be declared squarely and originally *home-grown*.

Of course, haunting is not simply a state of injury or pain, or as Gordon suggests "the same as being exploited, traumatized, or oppressed, although it usually involves these experiences or is produced by them" (2008, p. xvi). Rather, haunting is a force, albeit an unplanned and unintended one, that reminds one of what is wished to be erased or forgotten. "What's distinctive about haunting," Gordon writes, "is that it is an animated state in which a repressed or unresolved social violence is making itself known, sometimes very directly, sometimes more obliquely" (p. xvi). In other words, although painful, haunting is not just a state of perpetual woundedness (Snyder, 2013). Rather, haunting is transformative and even reparative. Haunting is not simply devastation, but an unruly and queer quest for redress, even at the cost of pain and destruction.

In its disruptively reparative effects, haunting is particularly apt at undoing dichotomies of bodies, psyches and geographies; trauma, Kate Coddington and Jacque Micieli-Voutsinas (2017, p. 52) write, "has a productively complex relationship to space" and spatial dichotomies, however stringently imposed. And in being productively disruptive, trauma is of formidable force. As Alison Mountz (2017) notes, trauma shows little regard for state-enforced protocols and boundaries; for instance, the spread of trauma from those detained to those who enforce immigration detention undermines states' aspirations for insular containment of unwanted and unauthorized migrants. As it appears, trauma moves even when people are held enclosed. The psychic movement of trauma through haunting extends embodied containment.

Fanon's accounts of the unintended injuries of colonial violence are similarly reparative and disruptive. In Fanon's account, too, injury becomes a source of unexpected disruption that turns the familiar unfamiliar, the home strange, and the common uncommon. Fanon's psychic/psychological injuries may, hence, be read as forms of haunting that make the planned and rationalized operations of colonial rule disorderly and, at times, simply impossible to carry through. Similarly, in the context of this study, by exhausting those involved in the work of refugee protection into periodical cycles of burnout, haunting interrupts the traumatic, exploitative and oppressive operations of refugee protection. By making folks literally unable

to carry on their professional duties, haunting disrupts the orderly process of refugee protection and stops a violent, albeit well-intentioned, project from being carried through seamlessly.

In delineating haunting, I engage closely with psychological phenomena that in the fields of counselling and social work are named vicarious trauma, compassion fatigue and post-stress disorder. In many ways, this article contends with and substantiates these literatures' emphasis on the contagious and devastating impact of systemic exposure to second-hand accounts of trauma, a common feature of the work of those involved in refugee protection. However, I depart from these literatures' objective in exploring the contagious nature of these psychological experiences. Unlike much of these literatures, I am minimally invested in producing incentives for "self-care" (Figley, 2002; Stamm, 1995; Trippany et al., 2004) or networks of institutional support to provide "help for the helpers" (Bell et al., 2003; Bride, 2007; Rothschild & Rand, 2006). Rather, I hope to show that refugee protection is productive of substantial and systemic psychological harm, and as such is worthy not only of revision, but fundamental reconsideration. Above all, we need to reconsider the presumed necessity to administer protection through the exclusivist and restrictionist mechanics of state-controlled migration.

The subject of this article also shares resemblance with the topic of investigation in the scholarship on street-level bureaucracy, particularly the work of Michael Lipsky (1980). Like Lipsky, I document and examine the morally and emotionally challenging work of front-line workers in operationalizing state services. Indeed, refugee protection, like many other seemingly routinized and orderly state projects, is carried out by real individuals in real, and often unforeseen, circumstances. Like other front-line bureaucrats, those in direct and regular contact with refugees shoulder much of the messy work of the state. By examining the work of front-line workers in the high-stakes context of refugee protection, I extend Lipsky's analysis beyond the topical focus of "dilemma": I show that operationalizing the messy work of refugee protection comes with significant after-effects that haunt front-line workers across years and at times decades. In short, I suggest that the bureaucratized work of refugee protection is not only discretionary and challenging but productive of considerable multi-lateral harm and violence.

This article traces specters that haunt Canadian refugee protection and its various conduits, including refugee status adjudicators, lawyers and support workers. In Canada, refugee claims that are made at or from within national borders are processed by a quasi-judicial, politically independent administrative tribunal. In this system, claims are adjudicated by trained civil servants based on examinations of written statements (procured through

official application forms) and oral testimonies (delivered during in-person hearings). Most refugee claimants in Canada have the advantage of accessing legal counsel during their claim making process. Counsel is most commonly secured through government-funded Legal Aid systems across Canadian provinces. In addition, several community-based and non-governmental organizations are actively involved in refugee support work. These organizations complement the work of the state (for instance by organizing orientation sessions for claimants) as well as aid lawyers in preparing claims (for instance by arranging medical and psychiatric reports). Hence, refugee status adjudicators, lawyers and support workers are intimately linked and common features of the refugee protection system in Canada.

The narratives of haunting that will be presented in this paper emerged during recorded interviews with protection workers in 2016 and 2017. The interviews were part of a larger study on the bureaucratic administration of refugee protection in Canada. Interviewees were located through connections with refugee law offices, support organizations, and the associated networks that developed over the course of the study. Accounts of specters that haunted front-line workers surfaced in interviews organically during conversations that were not intentionally focused on the psychological experience of working within the refugee protection regime. While clearly a consequence of state-controlled refugee protection, full analysis of these specters could not be contained within that larger study, and hence appears here as an independent piece. Of course, these organic accounts reveal only the peak of an arguably much larger iceberg that forms the background of state-controlled refugee protection. Nonetheless, these accounts point to the contagious terror, the violence and the haunting that is enmeshed with the work of “protection.”

Mistakes That Kill: The Anxious and Emotional Work of Refugee Protection

The violence of refugee protection emerges, in the first instance, from the risk of harm, terror and death that looms in the background of most refugee cases. The work of support workers, lawyers and adjudicators is to identify and protect refugees from these horrifying risks. As these workers are keenly aware, even their most benign errors and shortcomings may result in tragedy. Hence, anxiety over rigour, completeness and evidence are routine components of refugee protection work (Interview with Refugee Support Worker, November 1, 2016).

“Good” lawyers and support workers are expected, and have every incentive, to strive for producing carefully composed, well-supported, detailed, complete and believable claims. Yet, the near impossibility of discerning and establishing “facts,” achieving “completeness” or collecting “evidence” keeps claim preparations a perpetual and unsettling compromise.

Difficult and legally intricate cases are particular sources of anxiety for those who support claimants.

The difficult terrain of refugee protection cannot be simply travelled by the force of diligence and detail. Maximizing claimants' chances of approval often requires careful and risky calculations. For instance, it may be in claimants' best interest to provide "enough but not too much" detail in written statements. As one seasoned refugee lawyer stated:

Too much detail can make it really difficult for the person [claimant] in the hearing. Because they are not, because they're under stress they often can't remember all, a whole bunch of details. And variation in details can result in credibility issues. (Interview on September 6, 2016)

In other words, over-diligence on the part of lawyers in producing excessively detailed written statements may inadvertently harm claimants' chances of success: the more detail claimants are required to recall and reproduce under the stressful conditions of the hearing, the larger the risks of error and inconsistency. Inconsistency in recall of details, in turn, may distort the overall credibility of claimants and provide reasons for easy rejection of their claims. Thus, lawyers have to find a fine balance between "enough" but "not too much" detail, in part based on their estimations of claimants' ability to perform under the conditions of the hearing.

Managing claimants' mental state throughout the claim-making process is at once necessary and highly labourious. The weight of emotional labour is particularly felt by support workers who spend substantial amounts of time with claimants and become highly invested in their lives and prospects. Yet, support workers do not always feel able to properly support clients or even gain their trust. It is, for example, not uncommon for claimants to distrust support workers' independence from the Canadian state (Interview with support worker, November 25, 2016). In addition, claimants may not feel entitled to receiving support (expressed, for instance, in apologies for "wasting" support workers' time), or fear being charged for the services provided to them despite assurances to the contrary (Interview with support worker, January 30, 2017). Interpersonal dynamics of trust become particularly involved when support workers and claimants share cultural backgrounds but differ considerably in life experience, worldview or even attire. One young female support worker reflected on her surprisingly ineffective rapport with some of the women she supports:

A lot of women that come to me, even though this is the field I'm in, they always say to me 'you don't know what it's like.' [Author: yeah] And I understand that. I probably don't know what it's like [Author: yeah] because I left back home when I was very, very young ... So I do get that a lot, saying 'well, you don't understand that this is what happened, and this is normal.' And you know, me

trying to explain to them ‘oh no, it’s not normal’ right? [Author: yeah] ... then they kind of get taken aback too that ‘oh maybe she’s too modern.’ [Author: right] Or maybe ‘she is not understanding’... a lot of my clients come here and they see me ... representing them but I’m not wearing a scarf [Author: yeah] I’m wearing pants or a skirt [Author: yeah] ... but then I’m speaking their language... so sometimes they are more open when it’s [the support worker] a woman not from their culture... I do get that a lot. (Interview on January 30, 2017)

Refugee lawyers also provide substantial amounts of emotional labour in addition to legal counsel. Providing the “best” legal representation often requires navigating complex emotional relations with adjudicators. For instance, during hearings lawyers may weigh the potential benefits of intervening to flag minor mistakes against the possibility of interrupting a productive flow of questioning or annoying and alienating decision makers (Interview with Counsel, December 5, 2016). Unfortunately, even the most careful of these calculations may prove faulty. In one instance, a lawyer’s decision not to point out a minor interpretation mistake, to her great regret, resulted in the rejection of the claim (Interview on November 30, 2016). Indeed, while lawyers feel responsible for making the “right” decisions, they are ultimately powerless in controlling the outcome of adjudications (Interview on September 6, 2016).

Furthermore, providing “good” legal representation at times requires lawyers to conceal their true sentiments, for instance when the adjudicators’ questioning appears irrelevant, unfair or insensitive. As one lawyer stated jokingly, “there are situations where you want to [laughs] shake [the decision maker]” (Interview on January 20, 2017). Of course, getting into altercations with decision makers is rarely in the best interest of claimants. Hence, lawyers often try to “bite their tongue” and avoid hostility and confrontation. Despite these efforts, open hostility at times erupts during hearings.²

Managing the emotional connection between clients and decision makers is a particularly important aspect of lawyers’ emotional labour in preparation for and during hearings. As one support worker put it candidly, the “successful” claim is one that makes the adjudicator cry (Interview on December 5, 2016). While crying is perhaps too high of a threshold for most, lawyers ideally want decision makers to be moved by, relate to or bond with clients. Hence, lawyers often manage the image of the client, including their emotional expressions,³ for example by instructing them in “appropriate” and “respectful” dress code and conduct for the hearings.⁴ Achieving appropriate

² Several lawyers and refugee support workers described having been shouted at or insulted by adjudicators, some of which led to formal complaints (Interview on September 6, 2016 and January 30, 2017).

³ For instance, lawyers may manage the emotional portrait of the client through soliciting psychiatric reports from medical experts that explain their emotional expressions.

⁴ Some lawyers, for instance, advise claimants to sit upright, make eye contact, avoid taking on an aggressive tone, and not look “shifty” or “miserable” (Interviews on 6 September and 17 October 2017).

dress in itself is a complex cultural and emotional matter, as the projected image of the claimant needs to reflect the constricted class-status of a “true” refugee: not too expensive as to undermine the claim to disadvantage,⁵ nor too cheap to make the claimant appear wholly motivated by economic, as opposed to political and civil, reasons (Interview on December 5, 2016).⁶

While decision makers are often the primary source of anxiety for lawyers and support workers, these street-level bureaucrats (Lipsky, 1980) shoulder much of the anxious responsibility of making the “right” decisions on claims. Decision makers are cognizant of the fact that their mistakes can jeopardize claimants’ lives (Interview on December 1, 2016). Their regular encounters with claimants’ desperation and distress are somber reminders of the gravity of their work:

Twice I had people who I seriously, seriously thought was [sic] having a heart attack in my hearing room, you know? One who had to be rushed out to the hospital. He was just, he was just having a panic attack. (Interview on October 6, 2016)

Adjudicating claims requires significant emotional and imaginative labour on the part of decision makers; claimants’ circumstances and choices often have to be assessed across large socio-economic, national and cultural divides. For adjudicators who are sympathetic to refugee issues, rejecting even the “unfounded” claims can feel like “crushing someone’s dreams” (Interview on October 6, 2016).⁷ Adjudicators also need to attune to the institutional needs and priorities of the bureaucracy in which they operate. The bureaucratic infrastructure of refugee protection makes its presence known through regular performance reports on every aspect of adjudicators’ work (Interview on October 6, 2016). Decision makers are closely watched and heavily pressured to move through caseloads at a swift pace. Balancing swiftness with rigour, however, is a hefty challenge (Interview on October 17, 2017). The anxiety about workloads is exacerbated by the reality that mistakes can easily result in the loss of or serious harm to innocent lives.

⁵ For instance, most experienced lawyers do not advise that claimants purchase suits for hearings.

⁶ In its definition of “persecution,” refugee law systematically privileges violation of political and civil rights over economic rights. As a result, poverty does not count as a legitimate ground for receiving protection.

⁷ Adjudicators avoid taxing moments by, for instance, concealing their doubts or not issuing negative oral decisions at the conclusion of hearings when they are immediately exposed to the reactions of claimants and lawyers.

Suffocating with Doubt: Moral Dilemmas and Haunting Specters

Despite, or perhaps because, refugee status adjudications are a process of fact-finding (Plaut, 1985), skepticism is a major component of this work. Establishing “truths” requires sifting through the possibility that (some) claimants may fabricate or exaggerate (parts) of their claims to secure asylum. Indeed, the troublingly narrow focus of refugee law routinely makes “lying” necessary for accessing much-needed protection: refugee law only recognizes individualized, targeted persecution as a legitimate ground for protection.⁸ Yet, the majority of those in need of resettlement are displaced as a result of generalized violence under conditions of, for instance, (civil) war, famine, and political unrest.⁹ In this desperation-inducing legal context, little room is left for maneuvering systems of protection. Claimants have no choice but to produce individualized stories of violence in order to fit the bill of the refugee and avail themselves of protection. In short, “lies,” and the ensuing disbelief they engender, are the outcome of the epistemic lapses (and violence) of the existing protection frameworks. Yet, of course, even necessary “lies” produce a host of moral dilemmas for those who are tasked with upholding the integrity of the adjudication process.

Doubts about credibility of claims are morally and emotionally challenging for refugee support workers, who are expected to help claimants receive protection. As one support worker wondered, “how do you live with yourself as an advocate when you know they are lying?” (Interview on November 1, 2016). Support workers often resolve their dilemmas by focusing on the humanitarian, rather than adjudicative, nature of their roles: their role is to support claimants, not to question them or “dig dirt” on them (Interview on November 1, 2016). Support workers often try to take clients’ claims at face value. In the words of one support worker, “I believe them [claimants] because they are my clients” (Interview January 30, 2017). Of course, withholding judgment is not always possible or practical. Even the most dedicated support workers at times seriously grapple with doubts about credibility of claims (Interviews on September 15, 2016 and November 1, 2016).

Support workers also struggle with choosing the best course of action when they have reason to disbelieve clients.¹⁰ Discovering fabrications forces

⁸ The 1951 Convention Relating to the Status of Refugees defines the refugee as a person who is unable or unwilling to return to their country of nationality or habitual residence due to a well-founded fear of persecution based on race, religion, nationality, political opinion, and membership in a particular social group. Note that generalized violence, such as that of war, is not enumerated as a Convention ground.

⁹ For a comparison between the numbers of Convention refugees and other displaced persons who do not fit the existing legal definition see UNHCR (2020).

¹⁰ The circumstances of and reasons for claimants’ dishonesty make a difference to support workers and lawyers’ moral assessments. For example, when support workers and lawyers suspect that clients have fabricated claims out of desperation or as a result of bad advice (Interviews on September 15 and November 30 2016 and January 30, 2017), they are likely to

support workers into an agonizing choice between their belief in the humanitarian nature of their roles and upholding the “truth.” One experienced support worker, for instance, expressed ongoing dilemma about his decision not to expose a “fabricated” case decades earlier: “I could have ruined her claim. I don’t know whether I did a good thing or a bad thing. But I chose not to do that” (Interview on September 15, 2016). Doubts about the moral ramifications of their choices follow support workers across years.

Support workers often pass the morally challenging work of handling doubt and credibility to lawyers,¹¹ who need to engage with “facts” of claims to create strong cases (Interview on September 6, 2016). Lawyers develop intricate moral reasoning for handling doubt. For instance, they may hold the error of believing a “false” claim less morally consequential than disbelieving a “true” case. Like support workers, lawyers take relief in distinguishing their role from that of adjudicators: it is not “their place” to judge the truthfulness of claims.¹² Rather, their role is to assist claimants in telling their stories in the most effective way (Interview on November 30, 2016). As one lawyer put it: “[you] can never judge ‘you are not telling the truth.’ You can’t, or you would go crazy so... and that’s not our role as lawyers, I think” (Interview on January 20, 2017).

While lawyers and support workers may take partial relief from the weight of doubt in their humanitarian role, exerting skepticism is central to the work of refugee status adjudicators. Despite their prerogative and responsibility to judge, adjudicators rarely have irrefutable proof for or against claims. In effect, adjudicators routinely make potentially life-altering decisions for claimants without full confidence in the “facts” of cases (Interview on November 11, 2017).¹³ Decision makers at times feel compelled to prioritize their own sense of morality over established institutional practices, even at the risk of provoking hostility. As one highly conscientious former decision maker put it: “when I first [got the job] I said to myself ‘if you’re gonna do this, you got to be prepared that you may not have any friends there, right?’” (Interview on October 6, 2017). Of course, “friends” are key to making the work of refugee status determination emotionally and morally sustainable.

instruct them to “come clean” and pursue their “real” claims. Unfortunately, “coming clean” may, in some instances, result in the rejection of otherwise legitimate claims (November 30, 2016).

¹¹ For instance, support workers may flag their concerns to lawyers with whom they work closely and leave it to lawyers to decide how to proceed with these concerns (November 1, 2016).

¹² Lawyers often form nuanced understandings of credibility that account for their level of rapport with clients, the disruptive impact of trauma on memory, or cultural differences or misunderstandings (Interviews on September 6, October 17 and November 30, 2016).

¹³ Thus, the more cautious tend to err on the side of accepting claims when in doubt (Interview on November 11, 2017).

For instance, the same former decision maker emphasized the importance of finding and maintaining a support network at work:

[I tell anybody now who gets the job] find somebody who's a kindred spirit. Like you have to have, like, one, at most two, cause you don't want too big of group [chuckles] but you have to have somebody that, who you can, like, really debrief with... and really who will understand you and that you'll, like, be able to say 'this is driving me crazy'...you need [a kindred spirit] for your own sanity. (Interview on October 6, 2017)

But even “kindred spirits” and diligent legal reasoning do not resolve the moral dilemmas of refugee claim adjudication. Adjudicators can be plagued by doubt about whether they made the “right” decisions for decades. One decision maker recounted being “haunted” by a seemingly legally straightforward case he rejected two decades earlier:¹⁴

I am to this date haunted by one decision I made... There was this couple. He was an architect... He designed prisons. And there is mistreatment in prisons in [his country]. And so the question for me was whether he aided and abetted [in crimes against humanity], and I, I excluded him [from refugee protection] based on the fact that he aided and abetted permission of... crimes against humanity, and, um, it's amazing that it still bother me.... Because at the end of the case the wife kept saying to me... kept saying to me 'you don't understand, you don't understand.'... and so for some reason after all this time, that's the only case that bothers me... legally it seemed straightforward to me ... so I don't know why that bothers me. (Interview on November 11, 2016)

The stubbornly recurring specter of a woman long removed from the protection of refugee law continued to declare the decision maker's failure to understand the circumstances of the case. A “perfect” legal reasoning had gone awry and the decision maker was haunted by the moral implications of his dedication to upholding the law. He lived, decades after he had left the field of refugee protection entirely, with the painful inclination that he might have wrongfully deprived the couple from a protection they dearly needed.

Those involved in refugee protection struggle with the meaning and morality of their work. Lawyers and support workers frequently feel powerless to undo the serious mistakes and injustices they encounter daily (Interview on November 30, 2016). Support workers sometimes struggle with how their seemingly humanitarian work, for instance in supporting detained migrants, contributes to maintaining a morally dubious system of migration regulation by diluting its many cruelties (Interview on November 25, 2016). Even adjudicators and administrators struggle with the realization that their best efforts in producing thoughtful decisions and institutional policies make little difference to the state of refugee protection (Interview on November 11,

¹⁴ Some details have been removed to protect the identity of the decision maker and the claimants.

2016). The unrelenting moral and emotional dilemmas of refugee protection haunt and exhaust those who undertake it.

Contagious Terror: The (Vicarious) Trauma of Protection Work

The work of refugee protection re-circulates trauma and violence through a large number of actors. Folks who work in this field are regularly exposed to vivid descriptions of gruesome violence and are required to ask for, gather and assess evidence of brutality. Those vicariously exposed are vicariously scarred. Yet, as Kate Coddington (2017, p. 66) suggests, trauma moves not only vicariously but contagiously, “compounding and binding together sometimes unrelated life traumas”: the exposed do not simply take on the trauma of the other, but incorporate it along with traumas from diverse and disparate sources, creating an expansive body of psychic injuries. As a result, contagious trauma expands the reach of violence in unexpected forms and unlikely persons and places. It is not surprising, then, that many of those involved in the work of refugee protection carry harsh memories that affect their emotional, psychological and relational wellbeing. The psychological cost of refugee protection work is multiplied by the workload pressures that stretch support workers, lawyers and decision makers to their physical and emotional limits (Interviews on October 17 and November 29, 2016).

It is not uncommon for people involved in the refugee protection process to be affected by the emotional charge of cases. The contagious nature of terror in refugee cases at times takes workers by surprise and makes continuing the work of refugee protection untenable, at least momentarily. Terror manifests itself in physical and psychological symptoms. One language interpreter, for instance, described how she suddenly noticed a lump in her throat while interpreting for a domestic abuse case. Within minutes, she broke down while the claimant described a graphic scene of abuse: “I could not, [laughs] I simply could not to interpret” (Interview November 1, 2016). The hearing needed to be stopped.¹⁵

Emotional breakdowns are daily occurrences in lawyers’ offices. As one lawyer stated, punctuated by a dark laughter, “that’s why we have boxes of Kleenex in every room [laughs]” (Interview on January 20, 2017). While lawyers are affected by the emotional weight of claims, they are under great pressure to control their own emotions in order to deliver effective legal

¹⁵ In this case, the interpreter’s breakdown led to approval of the claim. The decision maker ruled that if the claimant had moved an interpreter who consistently maintained professional composure, no further questioning was necessary and the claim could be accepted. In effect, the case was resolved the moment trauma became contagious.

counsel. Providing professional support despite and through pain comes at an emotional cost, such as nightmares and insomnia:

No matter how long you have done this, there are always going to be cases that get to you... a little bit and then affect you more ... emotionally, like for [chuckles] um, [long pause] yeah. Like [pause] last, you know, last night I discovered that a client's child had been stabbed by her husband, her abusive husband [sighs] so, that definitely keeps you up at night. (Interview on January 20, 2017)

The contagious reach of trauma in refugee protection work is reflected in the sudden eruption of pauses, nervous laughter and space fillers (such as “um” and “like”) in the speech of otherwise highly articulate lawyers. Note the many interruptions and my numerous supporting interjections to maintain the flow of speech in the following statement by a young lawyer:

[Sometimes] my eyes sting a little bit during many meetings... you're always emotionally affected [Author: yeah]. Um, I have learned over the years how to deal with that and how to, you know [pause], how to best direct that [Author: yeah]. Um, it's not in the best interest of the client usually to break down [Author: yeah] and to be with them in, in a completely [Author: yeah] um, you know, the compassion versus empathy [Author: yeah] debate, um. [pause] Whereas a calm presence may be a better [Author: yeah], um, [pause] or is [stops herself], may be better for them [ends on a high intonation as if forming a question] [Author: yeah] as opposed to [laughs nervously, begins in a much faster pace] breaking down with them even though sometimes you want to [laughs] [Author: yeah]. So yeah. That's it. [laughs]. (Interview on January 20, 2017)

Most lawyers are familiar with the concept of vicarious trauma and develop their individual strategies for coping with the emotional severity of their work. While some lawyers reported seemingly “healthy” coping strategies, such as doing “a lot of yoga” (Interview on January 20, 2017), coping at times takes dark and self-destructive tones:¹⁶

To be perfectly blunt... I think a lot of us, ... I think we are chronic alcoholics [laughs], like, all of us [laughs]. I think our [refugee] Bar drinks a lot [laughs]... Most of us, that's how we process. ... I know for me ... it was a blur of a lot of drinking [during my ten years of practice] and I think, I think, I think it's post-traumatic stress, I think it's vicarious trauma ... I think the refugee Bar is a traumatized Bar, it's a vicariously traumatized Bar. (November 30, 2016)

Decision makers are also not immune from the contagion of terror. When trauma circulates in the space of hearing rooms, it touches all those within its reach. As one former decision maker put it:

¹⁶ For similar patterns of coping among workers involved in migration detention on islands see Mountz (2017).

Yeah, I mean sometimes, [pause] you know, [pause] like sometimes the counsel, me, the client and the interpreter would all be crying [chuckles]... in the hearing room. And it's, like, [humorous tone] time to take a break [laughs]. (Interview on October 6, 2016)

Acknowledging the pain experienced by claimants and taking breaks is often all decision makers can do to manage their own or others' emotional breakdowns. In an institutional context that necessitates soulful circulation of stories of trauma for the purposes of determining deservingness for protection, decision makers have no other option but to poorly bandage wounds of trauma by instructing claimants to get a glass of water or take a walk in the hallways (Interview on October 6, 2016). When water coolers were removed from hearing rooms to lower the costs of refugee protection, even the offer of a glass of water became a distant luxury no longer available to decision makers or claimants (Interview on December 1, 2016).

Repeated exposure to accounts of trauma and the gravity of decision makers' responsibility affect their emotional wellbeing. The effects are particularly gruelling when compounded with personal, even if unrelated, traumas (Coddington, 2017). For instance, one former decision maker recounted his deteriorating mental health after the death of his father:

I started seeing a shrink right after, actually shortly after, partly because my father died when I started work there. So, I had some anxiety problems. I think some of the anxiety was the work. It wasn't just my father's death... my anxiety levels were higher definitely when I was there. (Interview on December 1, 2016)

For decision makers, coping with the terror of refugee protection may lead to strategies that are productive of violence in their own right. Even sympathetic decision makers may become highly desensitized and skeptical over time. Doubting the credibility of claims lightens the emotional load on decision makers; they need not suffer if what they hear is potentially untrue (interview on November 11, 2016).

Decision makers sometimes uncover the troubling implications of their own unconscious psychological defense mechanisms only years after they leave their jobs. A former decision maker recalled a well-publicized scandal in the early 1990s when two adjudicators were discovered to have been mocking a torture victim in the notes that they passed to one another during a hearing (Small & Vincent, 1992; Vincent, 1993):

I've always thought about that [scandal], because I remember, too, joking, not necessarily at someone's mistreatment. But just having this sense of humour which is a bit dark. ... Like I talk to you now and I'm thinking something, something was awful... it's so awful that it's, it's 20 years later, it still bothers me. (Interview on November 11, 2016)

The contagious terror of refugee protection work has an uneven impact on decision makers' memory.¹⁷ On the one hand, decision makers are incessantly haunted by harsh memories or specters of their own or their colleague's inhumanity. On the other hand, remembering simple details of their work can become a challenge. One former decision maker, for example, noted:

I think there's a psychological thing that happens... and you forget about the decisions very quickly [Author: really?] yeah, you're hearing, hearing a lot of cases, I sometimes, when I was taking the subway home and I couldn't remember what the case was that day. Yeah, you just tune out. (Interview on November 11, 2016)

With growing knowledge of the impact of vicarious trauma in the refugee protection system, self-care has emerged as a topic of attention for support workers, lawyers and decision makers. Yet, in a system centrally geared towards producing and circulating accounts of terror, self-care becomes, at best, a meaningless slogan. At worst, talk of self-care makes individual workers responsible for their own well-being, without recognizing the systemic sources of trauma or the substantial resources required to handle any level of mental stability. As one former decision maker put it, what the refugee protection system offers in the way of self-care is a well-publicized and general message to the effect of "don't get sick, take care of yourself." (Interview on October 6, 2016). Promoting the recirculation of violence and remaining uncontaminated by its contagious force proves unachievable for most.

The contagious terror of refugee protection is perhaps most evident in the emotional and psychological unsustainability of this work for many of those involved. At some of the longest-standing refugee support organizations, most support workers remain at their jobs for an average of only five years (Interview on November 29, 2016). In fact, the career of many refugee support workers is either short-lived or marked by periodical extended leaves. Those involved in refugee protection in volunteer capacities have the luxury of withdrawing when the taxing weight of vicarious trauma takes its toll. This makes the work of volunteer recruitment at some organizations a never-ending and vicious cycle.

It is also often not emotionally sustainable for refugee lawyers to stay on their jobs for prolonged periods. Lawyers, too, make career changes or go on cyclical leaves: "[in our office, lawyers] do go on leaves. Um, it seems to be, um, you know, every four years or something" (Interview on January 20, 2017). Long-term and uninterrupted practice of refugee law is rare. In fact, refugee lawyers tend to be a relatively young and constantly transitioning complement (Interview on November 30, 2016). Young, fresh and

¹⁷ For a fuller discussion of trauma and memory in the context of refugee protection, see Cameron (2010).

enthusiastic cohorts of lawyers continuously enter the field of refugee protection, are exhausted by its violence, and replaced by even newer arrivals. The unrelenting specters of terror and violence that haunt refugee protection make this work unsustainable for most.

Harm, Suffering and “Protection”

Those working within the refugee protection regime are perhaps most relentlessly haunted by specters that remind them of the (unintended) harm they cause through their seemingly humanitarian work. Although the refugee adjudication process supposedly only reviews the violence inflicted on refugees in sites and times prior to those of protection, the process of rehearing this violence for the purposes of determining deservingness produces new and original harm.

Much of the harm of refugee protection stems from systemic imposition of suffering as the central motif of the character, past experience and ongoing existence of refugees. The centrality of this motif to protection work is a consequence of the depoliticization of asylum as a matter of humanitarianism rather than political right (Fassin, 2005). With the growing rise of immigration restrictionism, suffering has emerged as *the* condition for humanitarian exception awarded to otherwise unwanted migrants (Ticktin, 2011). In the moralized economy of humanitarianism, the affective language of suffering yields “high political return” (Fassin, 2012, p. 3). Hence, humanitarianism fuels an animated search for unadulterated innocence and suffering, the necessary ingredients for compassion and care (Ticktin, 2016). In other words, migrants need to suffer, and need to do so in substantial and substantiated ways. Thus, asylum becomes not about migrant’s right to political justice, but “the physical and psychic distress they can demonstrate” (Fassin, 2005, p. 371). This, of course, makes for a peculiar state of being for refugee claimants: suffering and pain become “strangely desirable conditions” (Tackin, 2011, p. 4). Claimants need to convincingly demonstrate lack of (dignified and pleasurable) life to survive. As a result, the very conditions of protection are intimately mired with violence.

The Canadian system of refugee protection is not an exception to the rule of humanitarian suffering. In Canada, too, securing protection heavily depends on claimants’ ability to relay convincing and effective stories of suffering. As one support worker put it, in order to qualify as a refugee, one has to be a sufferer (Interview on November 29, 2016). Those involved in the refugee protection system are largely unwilling and unprepared to hear any other story. In a system saturated by and grossly desensitized to human pain, anything but overwhelming devastation weakens a claim to protection. The

thirst for suffering anchors much of the larger refugee protection apparatus. For instance, refugee support organizations often rely on stories of suffering to raise funds (Interview on November 29, 2016). Of course, presenting and evaluating claimants exclusively through the lens of suffering is both dehumanizing and dishonest.

The persona of the sufferer narrows the range of acceptable emotional expressions for claimants. Despite its moralized emotionality, humanitarian care relies on a highly constrained repertoire of emotions (Ticktin, 2016). The role of the deserving sufferer requires demonstrations of humble passivity, over and beyond expressions of agency in ending or escaping suffering (Boltanski, 1999). Hence, emotions that express any form of power and control, such as arrogance, anger or frustration, are often disliked by decision makers and are, therefore, considered a source of trouble (Interviews on October 17, 2016 and January 30, 2017). Preparations for hearings involve training claimants in being meek, patient,¹⁸ polite and non-confrontational. In short, claimants are encouraged to take a “subordinate” role in relation to adjudicators (Interview on January 30, 2017). Protection is achieved through trained subordination.

Disenfranchisement of claimants is central to refugee protection; the most disenfranchised are arguably the most compatible with the culture of refugee protection. The “easiest” claimants to support are those with the least sense of entitlement (Interview on January 30, 2017). The least entitled are the most grateful. In the emotional economy of refugee protection, gratitude is a key form of exchange. For underpaid, overburdened, and emotionally strained support workers, expressions of appreciation from claimants are expected and necessary compensation (Interview on November 29, 2016). In effect, refugee protection in part runs on the non-monetary and compulsory exchange of gratitude. Of course, the exchange economy of gratitude is highly unequal and disempowering.

Determining refugee status requires not only the (re)circulation of stories of trauma, but also enactments of ceremonies of scrutiny. Well-meaning decision makers are haunted by the realization that they regularly trigger traumatized refugees simply by performing the basic components of their job (Interview on October 6, 2016). Those in supportive and advocacy roles are similarly implicated. To create “full-proof” claims, lawyers have to assess clients’ testimonies from the perspective of rigorous, heavy-handed and skeptical decision makers. To properly prepare claimants for difficult hearings, lawyers at times “do it not nice” (Interview on December 5, 2016). Thus, even the process of preparing for hearings replicates the scrutinizing violence of the determination process.

¹⁸ Waiting gracefully is a significant part of refugee claim making. Although wait times often harm claimants’ psychological and material wellbeing by impeding access to rights, security, education and work, claimants have no choice but to accept them as part of the process of seeking protection (Interviews on December 5, 2016 and January 30, 2017).

Claim preparations at times require gambling with the emotional wellbeing of claimants. The need for plentiful and detailed information in refugee cases means that lawyers and support workers have to risk re-traumatizing their clients in order to produce strong legal cases. Rehashing graphic details of violent experiences are often emotionally costly to claimants, yet the only way of establishing their credibility. Hence, lawyers have to weigh whether the troubling means of rigorous interrogation justify the goal of securing protection.

Moreover, producing strong cases at times requires undermining claimants' control of what is included in their claims. Support workers and lawyers are intimately familiar with the requirements of the determination procedure and are much better equipped than claimants to decide what and how much detail need to be included in cases. Thus, when claimants are not forthcoming in their narratives, support workers may feel compelled to press them to share more than they originally intended.¹⁹ As one support worker put it, "sometimes you just have to pull it [the information] out" (Interview on January 30, 2017). Ironically, to ensure claimants have any chance of receiving protection, support workers have to undermine their control and autonomy. Once again, protection is achieved through disempowerment.

The realization that their seemingly benevolent work inflicts much original harm on claimants is deeply unsettling to lawyers and support workers. When lawyers become disillusioned with the implications of their own work, continuing to practice refugee law becomes nearly impossible. As one lawyer who had left the field reflected:

If you talk to a psychologist or psychiatrist or a social worker, they are appalled profoundly at what we do in our meetings with these clients. Like, 'come in at 4, talk about your rape until 5, and then leave and go back to work.' Like, it's just horrible what we do to these people [laughs]... Once you start to realize that, that's when it becomes really hard... it's hard at the beginning because you don't know what you're doing. And then by the time you figure out what you are doing legally, you realize what you're doing personally, you know. And then I think it's really hard to ever feel like you win a case. Because, right, at the end of the day if you win and you get this person status, it's terrific, but you hurt them so much in the process, you know. (November 30, 2016)

Specters of the unintentional yet routine harm inflicted during the claim making process interrupt the orderly function of refugee protection and its associated meanings. The familiar work becomes a strange practice. Humanitarian support begins to seem appalling. Even winning loses its joy.

¹⁹ For instance, when claimants refuse to "name names" out of fear of reprisal or due to cultural sensibilities, support workers feel the need to pressure them for these details (Interview on January 30, 2017).

Nothing about this work becomes justifiable, as the specters that come to haunt refugee protection remind workers that a protection acquired through harm is hardly protection at all.

Conclusion: The Stories We Like

State-controlled refugee protection is a violent undertaking haunted by the specters of its many casualties. As refugee “protection” fails to protect, geographical distinctions become unconvincing in their claim to spaces of safety and innocence. Specters of those exposed to unnecessary harm return to undo the meaning of protection. These specters unearth the disguised and repressed accounts of violence, in the seemingly excusable and routinized practices of offering protection in and through harm. In the refugee protection regime, haunting emerges as a violent quest for redress and an incessant reminder of the irony of protection. The specters that haunt this regime make the work of protection questionable, if not completely untenable: through the force of anxiety, melancholy, agony, insomnia and burnout, these specters interrupt the orderly and bureaucratized operations of refugee protection. Those involved in this work regularly stop being capable of carrying through their seemingly benevolent and well-practiced professional duties. Haunting reveals the traumatizing, oppressive and exploitative nature of refugee protection systems. It ensures that we cannot forget that instead of being about wellbeing and safety, state-controlled refugee protection is primarily about violence and suffering. As a support worker who had left the field summarized, with dark tones marking her words:

SW: Everyone has, everyone has a different story, you know?

Author: Yeah.

SW: We like particular stories and not the others.

Author: Yeah. What kind of stories do you think we like?

SW: Suffering.

Acknowledgements

Heartfelt thanks to the participants whose honesty and courage in sharing difficult and painful experiences made this paper possible. Thanks also to the anonymous reviewers for their generous and constructive feedback, and the intellectual community of the Social and Political Thought program at Acadia University for their engagement and input on an early draft of this paper. This paper is dedicated to two lives lost but not forgotten: Grise, a young Mexican woman whom I never met, deported to an untimely death in 2009 despite having attempted twice to secure protection in Canada. And Faraz Falsafi, a dear friend, lost in the crashing of the Ukrainian flight 752 on January 8, 2020.

This work was supported by the Social Sciences and Humanities Research Council of Canada and an Ontario Graduate Scholarship.

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