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“So, if you ask whether fences work: they work”—the role of border fortifications for migration control and access to asylum. Comparing Hungary and the USA

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Abstract

This paper analyzes the role of border fortifications for migration control and access to asylum based on two case studies: the Hungarian–Serbian and U.S. American–Mexican borders. The research is based on qualitative interviews on both sides of the borders. It shows that despite other options for border control, fortifications still play an important role, especially for asylum seekers. Fences fulfill a material, a symbolic and a filtering function here. The three functions contribute in different ways to preventing asylum seekers from crossing the border, thus depriving refugees of the opportunity to apply for asylum. The paper shows that fences fulfill functions that other forms of border control (such as shifting or smart borders) cannot accomplish in the same way and it thereby contributes to understanding the ‘puzzle’ of contemporary border fencing.

Keywords: Migration control, Asylum, Symbolic borders, Filter borders, Border fence, Border regime

Introduction: border fences in a modern world

The 3rd of April 2022, Victor Orbán won the Hungarian parliamentary elections with a large majority and was elected for his fifth term as Prime Minister, the fourth time in a row. The election took place in the context of the war in Ukraine and Orbán appealed to the Hungarian’s desire for security by presenting himself as the one who would keep the country out of the war. At the same time, he admitted Ukrainian refugees. This is remarkable, as his last election campaign in 2018 was built on an anti-immigration campaign, fueling fears of mass immigration. Indeed, Orbán’s politics since 2015 relied very much on the topic of immigration, the most striking action being the fence, which was erected at the Hungarian-Serbian border in 2015–2016. This fence was built in the context of a ‘state of emergency due to mass migration’, but it has remained in place ever since. Orbán’s very different reactions to two different immigration movements—depicting the fence in 2015 as the only way to stop the dangerous mass migration and welcoming the refugees in 2022—show that fences are by no means the only possible reaction to

immigration movements. This raises the question why fences are being built and what functions they have for those constructing them.

The issue is timely and burning, since Orbán's fence is only one of many new border fortifications; indeed it is part of a veritable "flurry of wall building" (Brown, 2010, p. 16). Although we live in a globalized world where some goods and people travel far and frequently, this same world is increasingly building border fences and walls (Hassner & Wittenberg, 2015). Today, modern technologies, legislative arrangements, and alliances with third countries make it possible to control migration far away from the actual border (Shachar, 2020). Nevertheless, states still use such archaic forms of control as fences and walls. Building on border literature, where the reasons for this trend of re-bordering are vividly debated (Simmons, 2019), this paper analyses what functions border fortification—that is, physical border reinforcement such as fences or walls—fulfills. More concretely, it explores questions of mobility control at fortified borders, examining the role of fences in migration control and access to asylum. It uses the example of the U.S.–Mexican and the Hungarian–Serbian borders, which are interesting case studies for investigating how mobility is controlled today and how border fences work. Both borders have been fortified by fences—the Hungarian–Serbian border is completely fenced; the U.S.–Mexican border is partially fenced, and the fortification will probably be expanded in the future. Migration is a central issue at these borders, and the topic is widely debated in the media and in domestic politics both in Hungary and the USA. This paper analyzes the two borders to identify common practices and strategies in migration control, as well as differences between them. In both cases, asylum has recently been at the center of the struggle over migration control. The question of asylum is closely linked to the relevance of border fortification here, as will be shown in more detail below.

The article is structured as follows: The next section presents the central concepts and approaches of current border research to which this article refers. "[Hungary–Serbia and U.S.–Mexico: two fortified borders as case studies](#)" presents the two cases and their respective context, and "[Data and methods](#)" then explains the data and methodology. "[Findings and discussion](#)" details the analysis and empirical outcome of the study. Finally, the "[Conclusion](#)" section summarizes the main points of the paper.

Borders today: fortified, selective, shifting, smart

This section outlines the current research debates on how borders and border fences control human mobility today. Recent developments in border control include the trend of fortification, the trend to filter mobility, the trend to externalize or shift border control away from the geographical border line, and lastly the trend to digitalize or 'smartify' borders. As the focus here is on fortified borders, literature on the reasons for and the effects of new border fences will be discussed in more detail.

In the 1990s, a future "borderless world" (Ohmae, 1990) seemed possible, as a consequence of globalization and modernization. This thesis is obsolete today, and instead we can observe a worldwide "(Re)Building of the Wall" (Vallet & David, 2012). Quantitative studies show that the number of border fortifications is increasing around the globe (Carter & Poast, 2017; Hassner & Wittenberg, 2015). While there were only seven fortified borders at the end of the Second World War, that number had grown to more than 75 in 2018 (Linebarger & Braithwaite, 2022). Most of these fences are situated in Asia,

the Middle East and Europe (Gülzau & Mau, 2021). We surely do not live in a borderless world, but “in a world of compartments and borders which may be more fluid and elastic, easier to cross than in the past, but they are out there all the same (Newman, 2006, p. 183).

Borders being easier to cross than in the past may be true for some travelers, but not for everyone. Borders affect the people who wish to move in very different ways: while some can travel freely, others are blocked. While some passports provide access to almost all countries in the world, others allow entry to only very few countries. This inequality through “powerful passports” (Simmons, 2019, p. 17) or visa waivers creates a “global mobility divide” (Mau et al., 2015). In this context of unequal mobility, the main task of borders is filtering, that is “implementing a mix of policies, structures, and symbols that facilitate and block exit and entry selectively” (Simmons, 2019, p. 16). While literature mostly discusses filtering with regard to visa and externalization policies, this paper will analyze how physical infrastructure at the borderline enforces filtering and how fences, laws and policies interact to this end.

While borders are hardening with the trend of fortification, they become more flexible at the same time due to externalization practices. States shift mobility control further and further away from the actual border line (Laube, 2019; Zaiotti, 2016). Control is relocated to other countries that people transit through before arriving at the border, or even to the places where people start their journey (Shachar, 2020). These new policies of externalization and shifting borders have serious implications for access to asylum (FitzGerald, 2019; Shachar, 2020). Generally, a state grants rights to asylum seekers only when they are already at or within that state’s borders. Therefore, governments use policies of externalization or “remote control” to try to prevent refugees from arriving at their borders (FitzGerald, 2020).

The last trend to be highlighted here is the digitalization and ‘smartification’ of borders. States use information technology to create a smart border, defined as “a diffuse border that cannot be geographically localized, but rather relies on numerous physical and virtual locations of control and surveillance, which are connected through a digital data network” (Kuster & Tsianos, 2013, p. 1). While changes in legislation make it possible to shift border control away from the border line in a process of externalization, as argued above, modern technologies make it possible to render the border line almost invisible in a process of smartification.

The trends discussed here show a multi-layered and somewhat contradictory picture: borders become more open and more closed at the same time. They become invisible and visible simultaneously. They shift away from the border line and at the same time they become manifest through fences and walls at this same border line. These observations raise the question: If mobility can be controlled discreetly and almost invisibly due to externalization and smartification, why borders are still being fortified and what functions do fences fulfill? In other words: “Given that there is reason to doubt border wall effectiveness, [...] the construction of border walls remains a significant puzzle for modern political science” (Linebarger & Braithwaite, 2022, p.5). Border literature vividly discusses the trend to more fortification, but the reasons for hardening borders remain disputed (Simmons, 2019). Quantitative studies identify cross-border economic disparity as the primary motivation for building new fences (Carter & Poast, 2017; Hassner &

Wittenberg, 2015). Others name immigration, security, smuggling and peace keeping as the most important official reasons for wall building (Vallet, 2021). At the same time, the effectiveness of borders is questioned (Linebarger & Braithwaite, 2022; Vallet, 2021): Several authors conclude that fences do not effectively prevent smuggling and migration or provide security (Getmansky et al., 2019; Vernon & Zimmermann, 2019). Border closure does not always lead to less migration, but can even have the opposite effect (Schon & Leblang, 2021; Vezzoli, 2021). Discussing the efficiency of fences, however, means assessing them (only) against the officially stated goals. A very different approach relates the augmenting number of fences to their symbolic function, namely to distinguish the inside from the outside, the us from the other (Balibar, 2017). In this regard, border walls are considered as “theater pieces for national populations” (Brown, 2010, 9), since they generate an imaginary of stable and homogeneous nationhood. By creating fear from the outside, they are used by governments to create a ‘rally around the flag’ effect. In a first attempt to research domestic political goals as a reason for fortification on a quantitative level, Linebarger and Braithwaite (2022) conclude that leader’s desire to remain in power can explain the timing of wall construction.

While these articles provide important indications of why fences are built, they also show the difficulties in giving a straightforward answer to this question. It is hard to tell official from unofficial reasons (‘remain in power’ will never be stated officially) and in many cases there is more than one reason; moreover, the different motivations overlap and may change over time (Vallet, 2021). The literature presented here either looks for the reason for fortification or evaluates its effectiveness. This article takes a different approach by analyzing the different functions of border fortifications for mobility control. Focusing on the functions allows to capture the complexity of motivations for and effects of border fencing. Using the Hungarian–Serbian and the U.S.–Mexican borders as case studies, I ask how states use fortifications to control migration and what this implies for access to asylum. To answer this question, three functions will be distinguished: the material, the symbolic and the filtering function. The material function means physically blocking people at the border. The symbolic function is to send a message that projects a certain image of the border and the state behind the fence. The filtering function means letting some people pass and stopping others. These functions are addressed in border literature when discussing the efficiency of fences or questions of othering, exclusion and unequal access to mobility. The following analysis will investigate them in more detail based on empirical material.

Hungary–Serbia and U.S.–Mexico: two fortified borders as case studies

This section introduces the case studies, giving a brief overview of the characteristics of the two borders. It is not the aim to provide a complete history of the four countries and their common borders, but to focus on basic information concerning the fortifications and on the changes that have occurred at the two borders in recent years. The two case studies were chosen for being similar in many regards, but also exposing some differences that made them interesting for comparison. The following paragraphs present the two cases and identify some similarities and differences that are most relevant for the ensuing analysis.

The Hungarian–Serbian border is relatively short (164 km), and the border fortifications extend along its entire length. There are a few border crossings that allow and control the circulation of people and goods. The fence was built in 2015–2017, in response to increased migration movements to Europe via the “Balkan route” (Beznec et al., 2016), when large numbers of mostly Syrian refugees arrived in Europe seeking asylum. In Hungary, the closure of the border was accompanied by an extensive “information campaign” from the Hungarian government that warned of the dangers of immigration and alienation, using racist stereotypes (Kallius, 2017). While the Hungarian government stated protection against immigration and terrorism as motives for the border fortification, our interviewees—even those close to the government—mainly mentioned domestic political reasons for the construction of the fence. In fact, although Hungary was affected by the so-called refugee crisis with hundreds of thousands of people crossing the country, the effect was limited because the great majority of these people only transited through Hungary. The high costs of the border fortifications and the political campaign that lasted several years can instead be explained by domestic power-related goals (Páp & Remény, 2017; Scott, 2021).

The Hungarian government has applied increasingly populist and illiberal policies in recent years, which have often focused on—although not exclusively—migration and integration. The construction of the fence was accompanied by stricter policies and laws in the frame of a “state of crisis due to mass migration.” The combination of a physical barrier and tightened legislation eventually led to a sharp drop in transit migration through Hungary. Many of the migrants were initially stranded in Serbia and then had to move to other countries—mainly Bosnia-Herzegovina—and use different routes (Korte, 2020). Serbian citizens were not significantly affected by the border fortification, as they can enter Hungary and thus the EU without a visa at the border crossings (with the exception of people from Kosovo). The border is thus a typical filter border, which is intended to facilitate the movement of goods and the desired mobility of people, but to deny entry to unwanted persons. Moreover, the Hungarian-Serbian border represents part of the external border of the EU and the Schengen area and has to be understood against this background (Kallius, 2016).

The border between the USA and Mexico differs from the Hungarian–Serbian border simply by nature of its length and geographical characteristics: it stretches 3,169 km partly through inaccessible terrain. The border was relatively open throughout the 19th century and the first concerted federal immigration enforcement efforts were introduced in the beginning of the twentieth century, mostly related to Chinese immigration (Shirk, 2021). Most fencing then started in the 1990s and over the course of several decades, the border has been gradually fortified by different U.S. governments (Saddiki, 2017). Today, about a third of its total length is fortified with fences, especially around the urban centers. Other parts of the border are not fenced, but still very difficult to cross because of natural barriers such as the Rio Grande, the desert, and mountains. The reasons given for fortifying the border mostly involve irregular migration and smuggling (Jones, 2016). Terrorism, securitization, and othering likewise play a role: after the 9/11 attacks, the historically grounded demarcation of Mexico as the dangerous “other” intensified (Jones, 2012). The management of illegal migration and drug trafficking was paired with the security threat of terrorism

(Andreas, 2003) and as a consequence more barriers were constructed in the 2000s (Rosière & Jones, 2012). President Donald Trump, who had been in office since 2017, then made the construction of a wall along the entire border one of his key election pledges. As justifications, he cited migration, crime, and terrorism (Lamont et al., 2017). Similar to the fence in Hungary, this (potential) wall thus was accompanied by spreading a negative image of immigrants and the “caravans” of Central Americans were named as one reason to fortify the border (The White House, 2019).

Intensive trade and passenger traffic between the USA and Mexico takes place via numerous border crossings; it is the most heavily crossed border in the world (Nail, 2016, p. 167). The massive amount of trade makes both countries dependent on exchange and on the border being at least partially open. Due to the large prosperity gap, however, Mexico is much more dependent on the USA than vice versa. In addition to close trade relations, there is also a long history of Mexican labor migration to the USA. Mexican migrants used to move back and forth across the border, but increased fortification forced them to settle permanently in the U.S. (Vernon & Zimmermann, 2019). Nevertheless, migration from Mexico to the USA has declined in recent years, and it is now mainly Central Americans who try to reach the U.S. via Mexico. While immigrants from Mexico were mostly single men attempting to cross the border undetected in order to find work, migration from Central America consisted of many families and unaccompanied minors seeking asylum. Due to its length and impassable terrain alone, the U.S.–Mexican border is considered almost impossible to control completely. However, the border fortifications force migrants to take more dangerous routes through the desert (Chambers et al., 2021). Like that between Hungary and Serbia, the border between the USA and Mexico is a filter border that allows the circulation of trade and desired persons, but is intended to prevent irregular migration and smuggling. On such a long and busy border, however, the filtering and control function is more difficult to enforce.

The two cases show some important similarities and differences. Differences concern their length, their role as destination or immigration country and their geographical position. The Hungarian fence stretches along the entire border and is much more difficult to cross irregularly than the very long and only partly fenced U.S. border. While the U.S. border has been fortified over decades, the Hungarian fence was only built in 2015. Another difference is the fact that the USA continues to be a destination country for Mexican migrants, whereas there is no significant migration from Serbia to Hungary. Moreover, the USA is an immigration country, while Hungary has been mostly a transit country in recent times. Both cases have in common that they experienced a recent change in migratory movements. For the Hungarian–Serbian case, the change came with the so-called refugee crisis in 2015. At the U.S.–Mexican border, the situation changed in the period around 2013–2014, when the “caravans” of Central American refugees started to arrive at the U.S. border. In both cases, large numbers of people aimed to apply for asylum at the respective border. Therefore, the issue of asylum became crucial for border control in both cases. Choosing these two cases and focusing on these specific events allows us to investigate the reactions of two modern Western democracies facing the arrival of asylum seekers and thereby analyze how fortification, border control and asylum are related.

Data and methods

This study is based on field research in four countries: Hungary, Serbia, Mexico, and the USA. The data includes 22 problem-centered interviews (Witzel & Reiter, 2012), which are complemented by several informal conversations and a document analysis. The interviews were conducted between October 2018 and August 2019. The interview partners included experts from ministries and authorities, civil society, and international institutions (see Table 1). They were chosen for their expertise on the topic, but also with the objective of obtaining a broad spectrum of information and positions. Securing interviews on the very sensitive topic of border control turned out to be difficult, and the responses to interview requests varied. Many governmental actors simply did not respond to any interview request. Moreover, in the U.S. and Mexico, interviews with government actors were canceled at very short notice. Since government actors were difficult to reach, especially in the U.S., official documents were used here to supplement the interview material and examine the state perspective. Moreover, several additional informal conversations with researchers and regional experts were conducted. They helped to prepare the interviews and made it easier to discuss some of the very sensitive topics more freely than was possible in the formal (and recorded) interviews. Confidence is always important in interviews but, in this case, even more so due to the security- and conflict-related topic. In order to gain their trust, the interviewees were approached with information on the research project and its background as to demonstrate the purely scientific purpose. Furthermore, the interviewees' names were not quoted even if their

Table 1 Interview partners

	Governmental actors/actors close to the government	International or intra-state organizations	NGO/civil society
Hungary	1. University of Public Service, Border Police Department (NUPS) 4. Migration Research Institute, Budapest	2. United Nations High Commissioner for Refugees (UNHCR) Budapest 5. UNHCR, Szeged 7. International Organization for Migration (IOM), Budapest	3. Hungarian Helsinki Committee (human rights organization), Budapest 6. Migrant Solidarity Group of Hungary (Migszol), Szeged 8. An independent researcher in migration studies, Budapest
Serbia	9. Commissariat for Refugees, Belgrade 12. Ministry of Interior, Border Police Directorate, Belgrade	10. IOM, Belgrade	11. Info Park (migrant support group) 13. Belgrade Center for Human Rights
USA			14. Washington Office on Latin America I 15. Washington Office on Latin America II 16. Migration Policy Institute (MPI) 17. Wilson Center (research center)
Mexico	18. Ministry of Interior 20. CNDH (National Human Right Commission)		19. Asylum Access (migrant support organization) 21. Instituto para las Mujeres en la Migración (IMUMI, institute for migrant women) 22. Casa Refugiados (shelter for migrants)

organizations were named. If the interviewees did not want to be recorded or quoted (which was the exception), this was respected to enable the most trusting conversations possible. In order to establish comparability, the same relevant actors, such as the Ministry of the Interior, the border police, the IOM, and the UNHCR, were approached in each country. However, since these inquiries did not always lead to results, some interviews were obtained through contact persons or ‘gate keepers’, which increased the level of trust in the interviews.

The interviewees were questioned as experts and represented institutions, some of which take very different positions; this is a characteristic of the field of border policy, which is highly politicized. While the interview partners in this study can be considered as experts in terms of having specific knowledge on the topic, as representatives of relevant institutions in the field or as professionals involved with the subject, they did not necessarily provide neutral and interchangeable information in all cases. This difficulty was addressed by selecting very different interview partners having contrasting perspectives and opposing some of their statements in the analysis. This being said, the positionality of the interview partners can be assessed differently in some cases: while the statements of some actors were more strongly influenced by their position in the political field, as some interview excerpts in the following sections will show, others maintained a more neutral stance. The aforementioned informal conversations and documents as well as relevant literature helped to prepare and contextualize the interviews in this respect.

In order to deal with the differences in political stances across the interviewees, but also with their own positionality, the interviewer used a pre-structured interview guide to make the interviews comparable. The interviewer maintained a neutral position as a listener even when controversial statements were made. The interview guide included questions on the reasons for border fencing, on the effects of fortification on migratory movements, and on legal and policy changes. The interviews were fully transcribed and then coded in MAXQDA. The coding method (Mayring & Fenzl, 2014) was mostly deductive, but it was complemented with inductive codes during the coding process. The interpretation followed the method of qualitative content analysis (Gläser & Laudel, 2010; Mayring, 2002). In addition, field notes and theoretical memos were used to develop the essential points of the analysis.

Altogether, despite the difficult field access and resulting shortcomings, the interviews allow for a multifaceted perspective on the respective border, including the perspective of the ‘fence builders’ and those ‘behind’ the fence. Nevertheless, the interview material varies from case to case and further research including more governmental actors but also other actors not interviewed here (such as migrants) would be promising in order to further develop the analysis presented here.

Findings and discussion

The following three subchapters of the analysis structure the results along the three functions of border fortification, which are elaborated below. The first part of the analysis *“So, if you ask whether fences work: they work”—the material function* discusses how fortifications, combined with other measures, block asylum seekers at the border line. The subsequent *“It’s a mess”—the symbolic function* focuses on the symbolic

function of border fortifications, and ““At the end of the day it’s purely us and them—the filter function”” then analyzes how fortification contributes to the filtering function of borders.

“So, if you ask whether fences work: they work”—the material function

As a starting point for the analysis, this section deals with the question of how the fences contributed to preventing asylum seekers from crossing the borders. Not surprisingly, our various interview partners evaluated the border fortifications somewhat differently. The Serbian Ministry of Interior stated that in 2015 “the only way to stop that flow was to radically close the border and build the fence” (Interview, Ministry of Interior, Serbia). However, one frequently mentioned assessment in several interviews was that fences alone would not stop migrants, even more so for the U.S. American fence. The planned wall along the entire U.S.-Mexican border was considered to have no material function, as a fortification in more remote areas could not be monitored and therefore would not stop or deter migration. The already existing fence around urban areas was considered by some interviewees to have some effect, but only in combination with more border patrol and other measures; moreover, this effect is not to stop migratory movements, but rather to divert them to more remote areas by making border crossing more difficult:

So there’s the fence and then there was also a significant increase in Border Patrol agents and both of those combined [made] it [...] a lot harder to cross obviously for undocumented migrants. (Interview, Washington Office on Latin America I, USA)
[T]he physical barriers as such the only thing they do is they encourage people to find new routes to cross the border [...]. The physical barrier do not have as much an effect on human trafficking or migration as other measures such as sending more National Guards. (Interview, Ministry of Interior, Mexico)

Similarly, border literature finds that the existing U.S. border fences are designed as “speedbumps” that aim to slow down rather than impede irregular border crossing (Vallet, 2021: 12) and that in the past, border enforcement has not effectively reduced undocumented immigration in the U.S., but pushed migrants away from urban areas to more dangerous areas, increasing the costs and risks of undocumented migration (Massey et al., 2016: 1590). The Hungarian–Serbian border is much shorter, but many interview partners still considered that the fence alone would not be able to block entry. Indeed, we can observe various measures being combined in order to control migration in both cases. In addition to the border fortification, there are constant changes in law, new policies, and frightening measures such as police violence; all aimed at controlling migration. Their combination makes the effort to cross the border irregularly much more difficult and dangerous. In the Hungarian case, this combination seems to have stopped, or diverted, the migratory movement from Serbia to Hungary: “So, if you ask [whether] fences work: they work. [...] Of course they do. The dogs, the fence. All of it works” (Interview, International Organization for Migration, Serbia).

Although the interviews focused on physical border enforcement, many interviewees emphasized the importance of laws and policies for migration control, even at highly fortified borders. One of these new migration control measures is the establishment of transit zones and waiting lists at the border. The parallels between the two borders

are remarkable. Two transit zones were set up at the Hungarian–Serbian border, which eventually became the only way to apply for asylum in Hungary. Access to these zones was only possible via waiting lists, which were managed in Serbia. Similarly, the U.S. government has established the practice of “metering,” which limits the number of individuals permitted to access the asylum process each day and delegates the question of who is admitted first to waiting lists in Mexico. In both cases, fences in combination with border police prevent migrants from crossing the border, while waiting lists create the illusion that it is worth it to wait behind the fence (as will be elaborated on when discussing the symbolic function). In the Hungarian case, laws support the efficiency of the fortification: the fact that irregular entry became a criminal offense is only one example out of many. At the same time, the fence helps enforce these laws, as people can be stopped and pursued more easily. In the U.S. case, the border is only partly fenced and the fences do not effectively stop migration. However, combined with new laws and policies, the fences make it more difficult for migrants to cross the border. Legislation and policies (such as waiting lists) are both essential here to make fortifications work. In turn, the border fortification is constitutive for the functioning of policies of migration control.

Another example demonstrates the importance of the geographical border line, and thereby the role of border fortifications. One interviewee in Hungary told the story of a Ukrainian migrant who arrived in Hungary in order to apply for asylum. He was deported by the Hungarian police to the Serbian side of the fence (although he had arrived from Ukraine and not from Serbia). As the Hungarian fence is not exactly at the border line, but some meters inside Hungarian territory, he stayed next to the fence, insisting on his right to apply for asylum as he was on Hungarian soil. In the end, Hungary agreed to let him enter the transit zone and apply for asylum. This reaction was exceptional, as migrants who were deported to the Serbian side of the fence (but still on Hungarian territory) usually had to give up and return to Serbia. Hungary used the fact that there is a distance of a few meters between the fence and the border line to deport migrants to this space behind the fence, stating that they had not been deported to Serbia. In the U.S., the situation was somehow different. One interviewee stated that a wall would not make sense for migration control, as a wall built by the U.S. would have to be on American territory and asylum seekers could just wait behind that wall (but on U.S. territory) for the border patrol and then apply for asylum. He insisted that the USA is committed to international conventions and would not just ignore refugees who were already on its territory, as Hungary does. Nevertheless, the U.S. fences and the policies such as waiting lists (‘metering’) similarly force asylum seekers who initially just aimed to arrive at the border line in order to apply for asylum to use other, illegal, and more dangerous routes instead in order to cross the border.

The metering pushes migrants to try to cross the border elsewhere, not at the ports of entry, because otherwise they have to wait for a long time before being able to claim asylum. So they try to cross elsewhere, enter unauthorized, and make a defensive asylum claim. (Interview, Wilson Center, USA)

In theory, migrants could apply for asylum at any border crossing. However, when large groups of asylum seekers from Central America arrived, U.S. border guards stood in some places at the official border line and stopped them before arriving at the ports

of entry, where they could have requested asylum (Coronado, 2021, p. 200). These examples show that even in times of “the shifting border” (Shachar, 2020), the border line is still a contested place where struggles for asylum and rights take place. It is fundamental for the question of asylum: while “people do not have a right to cross international borders,” at the same time “refugees should not be penalized for otherwise illegal entry or stay” (Simmons, 2019, pp. 18–19). Indeed, international law grants every person the right to seek asylum and not to be pushed back to countries where their life may be at risk (Convention relating to the Status of Refugees, 1951; Universal Declaration of Human Rights, 1948). In this complex situation—refugees have to cross borders in order to obtain asylum, but do not have the right to cross them, and further they should not be penalized for having crossed borders—states try to prevent asylum seekers from arriving at or crossing their borders. Border fortifications play a role here as part of the border regime. Hungary uses the fence to deny the right to seek protection by just ignoring the people behind the fence, thus circumventing international conventions. In the U.S., fences are used to make border crossing more difficult and dangerous, while policies further complicate access to asylum for those who arrive at the border. In this way, both states “are proving endlessly enterprising in trying to ‘release’ themselves from the domestic, regional and international legal protection obligations they have undertaken, without formally withdrawing from them” (Shachar, 2020, p. 72).

The preceding paragraphs show the importance of border fortifications for access to asylum. While border literature rightly emphasizes the exterritorialization of border control, the cases analyzed here show that simultaneously, there is a hyper-territorialization (FitzGerald, 2020) taking place, as the state territory and thereby the border line is extremely important for questions of asylum. Comparing the two borders shows that both governments reacted in very similar ways to the arrival of asylum seekers by combining border fortification with policy measures that further reinforced the border line and blocked people from access to asylum. It can be shown that the material function of border fences becomes particularly important when dealing with asylum seekers, as it contributes to deprive migrants from the possibility to apply for asylum. When asked about the effectiveness of the material function, some experts considered the Hungarian fence to be somewhat effective (in combination with other measures), but at the same time they considered the symbolic function as much more important, since Hungary is not actually an immigration country. The U.S. border is too long to be effectively controlled, but the existing fences were considered being somehow effective as they contribute to make border crossing and access to asylum more difficult. The wall planned by the Trump administration was considered by all interviewees as likely to be ineffective in terms of its material function, instead they emphasized its symbolic function, which will be discussed in the following.

“It’s a mess”—the symbolic function

This section focusses on the symbolic function of border fences. As mentioned above, both governments used the arrival of migrants to exploit the situation politically. The symbolic meaning is an important factor in the already existing Hungarian fence as well as to the proposed U.S. wall:

I think it was a political message given to the neighboring countries and also the

migrants. It was a strong political statement that irregular movements will not be tolerated, and as a tool for regulating this, or limiting this, the fence was considered to be the more poignant display. (Interview, International Organization for Migration, Serbia)

[The wall] is a symbol, right? [...] It's a visible and emotional thing. Like, we're protecting our country by building a wall. It's much harder to explain to people the nuances of the asylum system. (Interview, Migration Policy Institute, USA)

As a reaction to the arrival of asylum seekers, the Hungarian government fenced off its entire border with Serbia, and the U.S. government threatened to build a wall in addition to the fencing that already existed. Considering the fact that Hungary was mostly a transit country on the migratory route, building a fence along the entire border is a highly symbolic measure. The USA on the other hand is indeed an immigration country. However, as our interviewees considered that building a wall would not have any considerable effect on migration, the proposed wall has a clearly symbolic function.

In addition to the fortifications, both governments introduced new laws and policies and kept changing them, creating a situation with very unclear rules. Just as fences and policies work together to stop migrants physically, they also interact on the symbolic level. The above-mentioned waiting lists may illustrate how fences and policies are intertwined symbolically. The creation of waiting lists led to chaotic and unclear situations. In Hungary, the government did not control who was on these lists and who was admitted into the transit zones, but only determined how many people were admitted every day. This quota, however, was never officially stated. The number was continuously reduced (without any reasons being given), and at times nobody was admitted into the transit zones at all. There was no reliable information about who managed these lists—some interviewees stated that it was the migrants themselves, or so-called community leaders, while others named Serbian authorities, NGOs, or the UNHCR (United Nations High Commissioner for Refugees) as being in charge. Officially, the lists were to be established in order of arrival, but corruption had a substantial influence on the listings. Sometimes, nationality or special needs for protection were also mentioned as criteria. At the U.S.–Mexican border, the system was somewhat more transparent, but still chaotic and corruptible. When asked about the waiting lists, two interviewees in the USA spontaneously responded: “It’s a mess” (Interviews, Washington Office on Latin America I; Washington Office on Latin America II, USA). Each of the lists was managed differently by various actors: some by Mexican authorities, some by civil society organizations, and some by migrants (Leutert et al., 2018). In the same way as in Hungary, the USA only determined how many people were allowed to cross the border, changing the number from day to day, and left the management of the lists to the neighboring country. This created an unclear situation, as there were no consistent criteria of who should be prioritized to get onto the lists. Furthermore, bribery played a role in some cases, as those who could pay for it arrived at the top of the list (Interview, Washington Office on Latin America I, USA).

As highlighted above, both countries reacted to migratory movements by building (or announcing) fences and introducing waiting lists, among other new practices of migration control. Officially, this approach was intended to stop migrants and then ensure that asylum applications could be processed in a regulated manner. In practice, however, it

severely limited access to asylum. In Hungary, the expected waiting time for access to the transit zones, and thereby to an asylum procedure, was 1.5–2 years in 2018. At the same time, Hungarian authorities stated:

Basically the illegal immigrants don't want to enter legally into the Schengen territory. If somebody [...] would like to enter into the Schengen Area legally, they could, and can, enter legally at the border crossing points. (Interview, University of Public Service, Border Police Department, Hungary)

At the U.S.–Mexican border, the waiting time was up to several months or even years in 2019. Migrants who intended to apply for asylum were forced to stay in the very dangerous Mexican border cities without any support, or to try to cross the border undetected. A Mexican interview partner reported that due to the long waiting lists, some migrants gave up to try to apply to asylum in the U.S.:

[P]eople have decided they no longer want to cross the border because there is a long waiting list. Instead they are deciding [...] to request for asylum here [in Mexico], but there is no information for them. (Interview, Asylum Access, Mexico)

However, a presidential proclamation by President Trump stated the aim to “channel these aliens to ports of entry, so that, if they enter the United States, they do so in an orderly and controlled manner instead of unlawfully”, as “entry at ports of entry at the southern border allows for orderly processing” (The White House, 2018). In both cases, the official logic said that fencing and waiting lists should guarantee legal and orderly entry, but the very long waiting lists show that in fact entry is very limited:

There's this frequently recurring logic of saying that those who knock on the door politely [...] are welcome, but this is not really the case 'cause, you know, the transit zones at the border, they are the gateways to these people officially, but the number of people admitted was dramatically decreased. [...] So actually it turns out, at the end of the day, that nobody is welcome and the good ones are us and it's just purely us and them. (Interview, Migrant Solidarity Group of Hungary, Hungary)

In this context, the intertwinement of border fortifications and other practices (laws and policies) enabled the governments to transmit different and contradictory messages. Fortifications spread the message that “nobody is welcome” and that the border is under control. At the same time, policies such as waiting lists gave the pretense that there was a way for those “who knock on the door politely” and who obeyed the rules; they just had to wait their turn. If border research poses the question “Why don't asylum seekers just get into line to come legally?” (FitzGerald, 2020, p. 5), the practices of fencing and waiting lists show that in fact there *is* no line that effectively provides access to asylum. However, it is no coincidence that there is something that *looks like* a line. Governments that are committed to human rights and the rule of law cannot simply acknowledge that they do not respect them. Policies such as waiting lists—combined with fences—are therefore used to create an image of legality and order.

People in the United States don't like illegality. They like to have people wait in a line rather than jump the fence. But there's no line for everybody. Not enough people are permitted to cross the line, so we're stuck in this conundrum. (Interview, Wilson)

Center, USA)

Creating a line that leads nowhere is a way for governments to block access to asylum without openly admitting it. It is a strategy for states to deal with “the challenge of doing justice to their own liberal ethics and related obligations, on the one hand, and, on the other, the interest of limiting and controlling migration and mobility” (Mau, 2020, p. 157). While fortifications are used to enforce the border line, changing laws are used to blur the same line when it comes to human rights, especially the rights to protection and access to asylum. This combination of hard borders and unclear rules allows states to ignore refugee rights without openly denying them. The symbolic function of border fences is widely discussed in border literature. The analysis provided here does not only empirically confirm the importance of this function, but also further elaborates it: Fences do create fear of a dangerous outside (Brown, 2010), but another aspect of their symbolic function is to maintain the image of order and legality in situations where international law and human rights are actually not respected and rapidly changing laws and policies deliberately create chaos that is supposed to make border crossing and access to asylum more difficult. This can be observed for both the Hungarian and the U.S. cases. Just as for the material function, the issue of asylum has a particular significance for the symbolic function: Since the right to asylum is recognized, the fence cannot exclusively symbolize exclusion vis-à-vis asylum seekers, but also has to suggest that they have a chance of being heard, if they only wait long enough in the line.

“At the end of the day it’s purely us and them”—the filter function

After highlighting the material and symbolic functions of border fortifications, this last section of the analysis discusses the implications of fences for filtering mobility. The U.S.–Mexican and the Hungarian–Serbian borders clearly work as filter borders: they allow regular movement and aim to provide smooth passage to those with papers and the right nationality, yet they involve substantial effort in order to deny entry to those defined as unwanted. The Hungarian and U.S. governments depict these undesired travelers as dangerous, criminal, and illegal. Yet in both cases, the state practices at the border prevent procedures that might prove whether or not a person has the right to stay. Asylum claims are not processed, and consequently the proclaimed illegality and criminality is not being investigated. At the Hungarian border, the majority of migrants in 2015 were most probably legitimate asylum seekers. However, due to the border fortification combined with practices such as waiting lists and transit zones, their claims were not processed:

With the fence, the major issue is [...] that even though the original idea or the original rhetoric was that it will simply channel irregular migration and then people will still have a means to submit asylum claims, this is not really happening at the moment. So, people are unable to submit an asylum claim. [...] And we know that a relatively large percentage of the population that was arriving to the border fence since 2015 [...] could have applied for asylum and probably would have been receiving international protection. [...] So, the fence itself is not to individually select people who would need help. [...] The main issue with the fence is that people are not allowed to actually go to the transit zones and submit their asylum claims. (Inter-

view, International Organization for Migration, Hungary)

Many of the migrants who arrived at the U.S. border during recent years were people fleeing from violence and danger in Central America. As argued above, the policy of waiting lists, or metering, prevented them from making asylum claims at the border and instead forced them to wait for long periods on the Mexican side before being given access to an asylum procedure.

In both cases, this creates a situation where the borders filter mobility in some respects, by letting through people with powerful passports and visas. However, they do not allow that the right to asylum or refugee status could be considered and particularly vulnerable people could be selected. In this way, the filter function works to sustain the “global mobility divide” (Mau et al., 2015), without considering human rights and the need for protection. Furthermore, bribery at both borders adds to the filtering function, as those who can afford to pay will get a better place on the waiting list and cross the border much faster. The others have to wait or to take more dangerous routes, which adds another layer of selectivity, as it requires capability and fitness. The filter function is deeply intertwined with the other functions of border fences: it requires the material function, which physically stops people in order to filter them, and the symbolic function, which legitimizes the filtering as well as the non-treatment of asylum claims.

Research on the externalization of border control shows that an important part of filtering mobility takes place in embassies and consulates where passports and visas are issued, therefore far from the border line (Simmons, 2019). As a consequence, for people who are unlucky in the “birthright lottery” (Shachar, 2009) the only option is to arrive at the border line and cross it illegally, especially if they are seeking asylum. Since the Refugee Convention stipulates that refugees should not be penalized for their illegal entry or stay, states try to preempt the territorial entry by intercepting migrants prior to arrival (Simmons, 2019, p. 19), using the externalization of migration control to keep asylum seekers at a distance (Zaiotti, 2016). In the two cases presented here, border fortifications are being used to block those refugees who still made it to the border line, depriving them of the opportunity to make an asylum claim. By *not* selecting when it comes to rights for protection, fortified borders create more inequality. It is true that externalizing migration control makes it easier for states to circumvent human rights obligations (Shachar, 2020), but the focus on remote control tends to neglect the practices at the border line—fortification as well as other policies—that likewise constitute state strategies to sustain stratified mobility. Both Hungary and the USA do not either apply externalization or fortification practices—they combine both in order to more effectively stop or deter migrants.

Conclusion

This paper analyzed two fortified borders in order to understand how states use fortifications to control migration and what this implies for access to asylum. It shows that despite the current trends of shifting and smart borders, fortifications play an important role, especially for the question of asylum. They fulfill three functions identified in this paper: as a physical barrier that enforces the border line, as a symbol of deterrence and order, and as a tool for filtering wanted from unwanted mobility. When Hungary and the USA faced similar situations with large groups of asylum seekers arriving at their

borders, the three functions worked in combination in both cases: The material function contributed to physically block the migrants from accessing the territory, the symbolic function helped to blur and to legitimize the fact that access to asylum was not possible and the filtering function assured that authorized movement could continue to flow while at the same time asylum seekers were excluded from any procedure at the border. With regard to all three functions, fortifications and policies of migration control interact as part of the border regime. Border fences are necessary to make waiting lists and other practices work, and vice versa, fences only work when combined with other practices.

Previous research provides important knowledge on contemporary trends in border control and discusses reasons for as well as effects of fortifications. Borders are considered to become more complex, ambivalent and contradictory (Balibar, 2017; Brown, 2010; Mezzadra & Neilson, 2013). This paper lends further understanding to the ‘puzzle’ of border fortification by analyzing and systematizing the complex functions of two contemporary fences. It shows that these fences fulfill functions that other forms of border control (such as shifting or smart borders) cannot accomplish in the same way. The three functions and their intertwinement confirm the increasing complexity and ambivalence of borders and border fences. If borders have the twin goals of facilitation and enforcement (Andreas, 2003, 107–108), border fortifications support these goals through the interrelation of their three functions: The material function may allow some control through enforcement, the filter function facilitates movement for some (while restricting it for others), and the symbolic function legitimizes both enforcement and facilitation. The coexistence and intertwinement of these three functions is important, because it shows that border fences are neither purely symbolic, as some border literature suggests, nor purely related to security or other practical concerns (and therefore cannot be understood solely in terms of their effectiveness in reducing border crossings). Border fortifications are neither a sign of the loss of state control (Brown, 2010) nor are they a demonstration of absolute state power. Rather, they indicate the ongoing struggle of different actors over mobility, moral and legal obligations, and border control. The material, symbolic and filtering functions represent different aspects of control and exclusion that need to interact in order to be effective.

Furthermore, the focus on asylum allows to get a more nuanced picture of how fortifications control migration: First, the material function is particularly important regarding asylum, as asylum seekers have to cross the border line, which a fence is supposed to prevent. Second, fences do indeed “serve a psychological purpose” (Linebarger & Braithwaite, 2022, p. 7), but the symbolic function is not only to create a domestic rally effect, but also to address (potential) migrants as well as the international community by projecting an ambivalent image of deterrence and legality. Third, the filter function has a special importance regarding asylum, as governments use fences to block asylum seekers while letting ‘wanted’ travelers pass, but at the same time prevent asylum procedures that might ‘select’ those who have a right to asylum. This article examines two particular cases in a specific period of time and therefore cannot be used to draw general conclusions. However, many recent examples confirm a global trend towards hardening borders and restricting asylum. The two borders discussed here allow us to see as if through a lens the ambivalent reactions of democratic states to the dilemma of being morally and

legally bound to asylum law and human rights, while at the same time striving to seal off their borders.

The analysis provided here is explorative and limited to two cases with a focus on asylum. The above-mentioned constraints of the interview recruitment process are another limiting factor. Future research could delve deeper into the complexity of fortifications by broadening the range of interviewees and by examining more cases and comparing their—possibly ambivalent and contradictory—functions.

Abbreviations

UNHCR United Nations High Commissioner for Refugees
IOM International Organization for Migration

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Availability of data and materials

The interviews will not be shared, as the interviewees did not give the permission to do so.

Declarations

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