2 *Cease-Fires*
Temporality, Bordering, and Climate Mobilities

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Introduction

Refuge was introduced as a central feature of the post-World War II human rights regime with a goal, among others, of alleviating the precarity caused by forced displacement. Yet only a few decades after those commitments were made, precarity and temporariness were inserted into the very mechanisms intended to forestall lives of uncertainty for forced migrants. Refugee status is difficult for many to obtain and permanent resettlement is often out of reach. Many refugees wait, move, and navigate often indefinite temporariness in camps, without documentation, or inside the same countries where they have been displaced. Given the opportunity, many forge informal bids at permanence when states deny them formal avenues through which to establish permanent residence. Refugees make these informal bids for an array of the citizenship rights associated with full membership. But rights of place – the opportunity to stay somewhere indefinitely, expect reentry if one travels abroad, and move about freely within the territory – are uniquely fundamental to a person's very existence. Uncertainty about the place from which one exercises all other rights is so disempowering that protecting people from statelessness has always been a central goal of international cooperation in a human rights regime. Among the many urgent dilemmas implied by our conveners' work – Shachar's *The Shifting Border* (2020b) and Benhabib's

The language scholars use to refer to people affected by climate change is contested as the field works to incorporate an array of approaches including mitigation, adaptation *in situ*, and various forms of migration. Many have called for referring to migration triggered by climate change and the sociopolitical consequences of climate change with the term 'mobilities.' In this chapter I toggle between traditional legal language of refuge and asylum, because I am discussing existing legal routes for people who migrate, and the word mobilities, to convey respect for the fact that people's lived experience predates and transcends the legal categories imposed by states and treaties.

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"The End of the 1951 Refugee Convention" (2020) – are the ways that time and spatiotemporal precarity are used to deny migrant persons a pathway to citizenship outside of their country of origin.

While migrant precarity predates the twentieth century,[1] the legal means for circumscribing rights to refuge became more deeply entrenched and more diversely structured in the late twentieth century. This entrenchment was part of the process through which all avenues for permanent migration became more closely guarded.[2] Eligibility for protection and for citizenship have come to depend on when claims are initiated, lodging those claims in the right place at the right time, and continual renewal of short-term visas that grant permission to travel in the first place.

Of particular note is the rising prominence of temporary refuge as a means through which states divert forcibly displaced persons into statuses that offer no permanent resettlement or opportunities to adjust one's status. Temporary refuge exists in ongoing fashion in the EU and the US. Similar programs also crop up on a case-by-case basis in other refugee-receiving countries. In this chapter I consider the challenges associated with temporary protection, paying special attention to what these programs portend for climate mobility, which is almost certain to dwarf all other causes of forced displacement for the foreseeable future. The discussion focuses on unique features of the US program of Temporary Protected Status (TPS). It situates this and similar programs in a larger context of increasing temporariness for mobile persons, noting an "episodic" approach to forced migration. This episodic approach to refuge is an outcome of the genesis of refuge as a response to political persecution but fits poorly with climate displacement. The chapter analyzes what it means to offer refuge on an episodic basis. It concludes by recommending steps for avoiding excesses of precarity and episodic responses to ongoing climate displacement.

1 Time and Temporariness

In migration, time serves as a boundary setting and boundary enforcing technology. Temporal boundaries in the form of deadlines for

[1] See, for example, Hirota (2016), which traces the history of indigent deportation in the nineteenth century.

[2] See Cook-Martín (2019) for an excellent deep dive into the development of regimes of temporariness for migrants in the US and Europe and the Gulf States, respectively.

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departure are attached to all visas required by Global North countries as a prerequisite for entry by noncitizens and people without permanent residency. Individual types of visas – for example, tourist, work, and student visas -demarcate a precise time after which a person's presence becomes unlawful. For the people who hold those visas, time carves out a border that eventually approaches and crosses over them, rendering them unwelcome outsiders after that visa expires. For tourists, students, short-term workers, and others, this is often an undesirable and costly inconvenience. But for people fleeing danger or forced out of their home countries, temporal borders that threaten their legal residence in safe countries stand between them and the fundamental human rights they need to survive.

Refuge and asylum have a special relationship to time and deadlines because forced mobility is an emergency. Refuge and asylum are defined by urgency both with respect to their causes and the legal standards used to decided who is entitled to formal remedies.[3] The 1951 Refugee Convention and the theories of human rights in which protections for refugees are embedded explicitly identify precarity among the circumstances generating rights to protection. Displacement and statelessness in the wake of World War II and the Holocaust were the reference points for the human rights doctrines that ultimately declared rights of place – residency and citizenship – to be universal human rights. Those rights should, in theory, also obligate states to provide circumstances that protect and rescue people from precarity. In practice, though, this has been a challenge that Global North states fail to meet more often than they succeed. Instead, the arrival and presence of refugees and asylum seekers fleeing urgency creates a sense of emergency for many receiving states to which they respond with varying degrees of closure. Only around 1 percent of all refugees are resettled in a new country each year (FitzGerald, 2019). The rest are indefinitely confined to camps or live informally, in cities and in transit.[4] Their precarity is political

[3] The belief that forced migration should be treated as an emergency is shared even by thinkers whose normative framework warns against high levels of migration and does not support the idea that a state can have obligations to would-be immigrants without any claim for refuge. See, for example, Walzer (1983); Miller (2016).

[4] I refer here to Parekh's (2020: loc 1894) argument that many displaced persons find their way to cities where they lead liminal (and often undocumented) lives in the absence of a formal and permanent solution to their displacement.

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because they have nothing approximating the political rights that come with citizenship. It is material because most refugees are denied legal opportunities to earn a decent living. But above all else it is temporal because anything they have may only temporarily be theirs. Their future in the place they settle, with the opportunities they make in that place and everything they manage to build there, can be cut short with no warning. All this, amid a life characterized by indefinite waiting and uncertainty, comes to constitute its own form of abuse.[5]

2 Precarity and Refuge

Beginning in the 1970s, an additional layer of precarity was added to the refugee experience in the Global North in the form of temporary protection. Temporary protection is a time-limited opportunity for people who cannot safely return to their home countries to remain in host countries. Temporary protection can be renewable but it is not attached to any eventual adjustment to permanent residency or citizenship. Much like short-term work visas, student visas, and other avenues for people to spend extended time in countries where they do not have citizenship, temporary protection is never a direct conduit to a status with permanence. Refuge and asylum offer legal pathways to citizenship. But temporary protection does not.

In the US, temporary protection was formalized as a part of a sweeping 1990 immigration bill that also reorganized immigration priorities, increased the caps on visas for lawful immigration and temporary work migration, and created the Diversity Lottery. In the language of that bill, TPS "[e]stablishes a program for granting temporary protected status and work authorization to aliens in the United States who are nationals of countries designated by the Attorney General to be subject to armed conflict, natural disaster, or other extraordinary temporary conditions."[6] The status was to be authorized for twelve- to eighteen-month periods and is renewable indefinitely. TPS recipients are generally permitted to work legally in the US and many go on to acquire common markers of belonging and

[5] Auyero (2012) offers ethnographic evidence for how waiting and, in particular, waiting with no clear end point bears characteristics that are identified as elements of psychological torture.

[6] Kennedy, "S.358 – 101st Congress (1989–1990)."

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membership. But, significantly, it comes with no pathway to full citizenship or lawful permanent residence no matter how long someone has held TPS.

TPS carves a temporal boundary around people who have been temporarily offered refuge that is slated to end in twelve to eighteen months. As Shachar's description of a shifting border predicts, TPS's temporal boundary is almost always in motion, advanced in increments, though never for more than eighteen months at a time. To analogize in territorial terms, people with TPS live as if they are on a very long bus ride ending at the border where they can expect deportation and refoulement. But, just as their bus approaches the border, that border is moved a modest number of miles away from where they had been told it was situated. Their bus approaches the border, the border advances, and the bus continues moving toward it perpetually, never stopping or allowing them to remain in one place.

In practice, this is a bus ride that many never disembark. Today there are people with TPS in the US whose initial designation was granted decades ago. Salvadoran refugees were the first group covered by TPS, and although the initial designation expired in 1996, a new designation was issued in 2001 that remains in effect today, over two decades later. Hondurans in the US received TPS in 1998 and Nicaraguans in 1999, and each has been extended through the present as well. Currently, nationals from sixteen countries hold TPS, many in mixed-status families with spouses and children who are US citizens. In total, there are currently close to half a million persons in the US with TPS (National Immigration Forum, 2022). This stands in contrast to the fact that permanent refugee protections have been offered to fewer than 100,000 people annually in most years since the Refugee Act of 1980 was enacted. In recent years that number dropped well under 50,000 and in a few years almost no one was permanently resettled in the US.

In the EU, a Temporary Protection Directive was adopted in 2001, as a response to the Bosnian displacement in the 1990s. It has only recently been activated for the first time, offering protection to people fleeing Ukraine through March 2023. The EU is currently home to millions more persons with temporary refuge status, as over 7 million people have fled Ukraine in a very short period of time (Karasapan, 2022). But, even before Putin invaded, there were displaced populations with temporary protection in EU countries. Denmark famously drew sharp

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critique for withdrawing temporary protection for Syrians who had sought shelter from conflict in their country of origin (Panayotatos, 2021). As with TPS in the US, temporary protection in the EU is also not a stepping-stone to automatic naturalization. Outside of naturalization, any rights an alien is granted are always alienable, often on a predetermined schedule and sometimes with the penalty of forbidding return after departure (voluntarily or via deportation). As with many recipients of TPS in the US, although many conjecture that the Ukrainian displacement truly is temporary, no one can know whether this will be the case, how long "temporary" will mean in this case, and who will have good reason to seek to remain past the point when international agencies declare Ukraine safe again. Particularly as the war in Ukraine drags on longer than optimists hoped, people who rebuild their lives in new places may rightly be reluctant to return to a place from which they were traumatically uprooted and where many cities have been leveled.[7]

One highly salient distinction between the EU and US versions of temporary protection is the TPS provision that applies to people who are in the US and unable to return home following natural disasters. TPS has been invoked to protect people displaced by natural disasters following Hurricane Mitch in 1998, which hit Northern Triangle countries particularly hard, and again in 2001 and years that followed owing to earthquakes in El Salvador, Haiti, and Nepal. The EU Temporary Protection Directive does not make reference to natural disasters or use other language that breaks with the postwar consensus that refuge is for people who flee conflict and persecution.[8] New Zealand and Canada have created one-time opportunities for very small numbers of qualified persons displaced by climate change to resettle in their countries.[9] In New Zealand a widely-discussed visa for Tuvalu persons fleeing rising water

[7] During the Bosnian conflict, temporary refuge was improvised as no existing European temporary refuge program existed. At the time it was anticipated that displaced Bosnians would return home, but evidence shows that many did not (International Crisis Group [ICG], 1997).

[8] What is known as "complementary protection" could be adapted to fulfill this role, but this kind of adaptation has not yet taken place. McAdam (2012) describes what would need to take place for countries that have complementary protection in place to serve the needs of climate refugees.

[9] New Zealand's landmark case granted protection to a single displaced Tuvalu family on the basis of their connection to New Zealand and not the cause of their displacement.

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was proposed but failed to gain adequate support. Canada has also given visas to people fleeing storm fallout. Neither country has an established and ongoing program through which people can apply for relief from climate related displacement. Very recently Australia agreed to accept a limited number of Tuvalu citizens seeking permanent resettlement.

Regrettably, despite the uniqueness of the natural disaster provision in US TPS, there is no evidence that the bill's sponsors in Congress foresaw the need for climate migrant protection or sought to create a precedent asserting any US responsibility for resettling climate change refugees. Indeed, the provision only applies as a form of defensive asylum to people who are already in the US. TPS cannot be sought affirmatively at the border. But, increasingly, climate migration in response to slow and fast-moving emergencies, as well as crises that are forecast but have not yet arrived, is occurring. For this reason, the opportunities and pitfalls created by the US TPS program warrant scrutiny. In the next section I briefly explore the background conditions that led to the creation of TPS, before turning to a normative interrogation of addressing climate displacement with TPS.

3 The Path to Temporary Protection

If one were looking for it, there were signs early in the history of refugee protection that time-constraints were being imposed in ways that made refuge harder to access. The background conditions that led to the creation of temporary protection lie in the 1967 implementation Protocol that followed the 1951 Convention in which the right to permanent refuge was first codified. The 1967 protocol vastly expanded the number and origin points of people who were and would be eligible to claim refuge beyond the very constrained 1951 terms. By the late 1970s, temporary refuge programs began to emerge as a reaction to this scaling up of refugee eligibility (Durieux, 2021: 679). Initially these temporary programs were described as attempts to slow the pace at which people seeking refuge could claim rights. The stated justification for such programs was to help states manage very large-scale displacements during which it was claimed that it would be impossible to adjudicate claims at the rate they were made (Durieux, 2021: 679). Australia initiated its first temporary refuge program in 1979 after mass displacement in the Indochinese peninsula (Durieux, 2021: 679). Beginning in the 1980s in the US and in 2001 in the EU (earlier

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in some countries such as Germany), informal regimes of temporary protection began to crop up. They were not yet fully codified, but short-term protection was being offered in place of permanent refuge.

This potential for states to use temporal boundaries to throttle and deterritorialize refugee protection had been evident at the very moment that nations committed to refugee protection principles, even as the justification for those agreements was to end precarity for refugee persons. Early refugee protections were transparently circumscribed by dates that referred to displacements of specific groups within specific time windows. The 1951 Convention specifically singles out only causes of displacement that occur prior to 1951 as a qualifying factor in refugee designation (Benhabib, 2020: 83). Nations such as Germany and Austria that offered the right of return to displaced persons inserted similar temporally circumscribed qualifiers into their provisions.[10] These temporal boundaries ensured that only a subset of persons displaced by World War II qualified for refugee status with rights. The claims of other groups facing persecution were delegitimized and the ongoing nature of forced displacement was not confronted. In 1967 the original 1951 temporal markers were overridden. But the larger practice of temporally bounding protections has persisted, and precarity for refugees and other forced migrants remains a likely outcome of displacement.

Temporary protection is not an anomaly in the larger landscape of twentieth-century migration. Contemporary refuge developed in a context of a portfolio of increasingly formalized short-term migration statues. Programs requiring short term work visas, once exceptional, proliferated in the middle of the twentieth century. At times and in select countries they have outpaced programs permitting immigrants to settle permanently.[11] As Michael Doyle notes elsewhere in this volume, temporary migrants enjoy a few privileges not available to other migrant persons but are also underprotected by international migration norms that were designed to govern permanent migration.[12] This trajectory began to emerge before World War II in the US. It became

[10] I discuss this in the context of how it divided populations in Cohen (2018: 28–60).

[11] Although this chapter focuses on the US, Noora Lori (2019) has documented the circumstances that allow temporary workers to outnumber citizens in Gulf states.

[12] See Doyle (Chapter 9).

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apparent in the 1940s when the H2 visas for Dominican sugar plantation workers and their more notorious cousin, the Bracero program, were initiated. During the postwar period, short-term grants of residency rights for refuge, education, seasonal and skilled work, medical treatment, and other purposes proliferated in the US. For Europe, the decades following World War II were also a time of transformation, during which many countries that a few decades earlier had been countries of emigration were becoming destinations for guest workers recruited by programs in countries such as France and Germany, among others. At the same time that human rights norms encoded in the Geneva Conventions were being put into practice, temporary settlement was also becoming common.

Accompanying the creation of temporary visas and entry in the US during the middle of the twentieth century is a normative transformation in how countries think about temporary residency (Cohen, 2015). Prior to the late twentieth century, temporariness had long been regarded with suspicion as an avenue through which untrustworthy transients might exploit the openness of societies that permitted impermanent or circular migration. But after World War II temporary admissions became the preference of destination countries. The value of conserving and growing the population that once dictated a preference for permanent settlement was replaced with fears about overpopulation, many of which were thinly veiled defenses of white supremacy and resource depletion.[13]

During this transformation, established norms prioritizing permanent settlement were replaced with a claim that temporary work migration is mutually beneficial for would-be migrants, host countries, and sending countries alike. It came to be seen as preferable to mass permanent migration. While once intent to settle and naturalize had been an explicit priority for immigration policies, permanence gradually became the prize most fiercely guarded by Global North states. In turn, a temporal form of deterritorialization was established using visa deadlines to perform bordering and exclusion.

Following the transformation of views on short term migration and the accompanying development of short-term opportunities for entry

[13] Many of the agents of these positions were mobilizing irrational fears about crowding and resources for a semistealth nativist agenda that later was fully exposed.

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without an avenue for settlement, people with no access to visa-free travel privileges came to rely on short-term visas to exercise mobility rights. Over time, many short-term immigrants were forced to string together multiple status extensions or adjustments of statuses to avoid deportation. These extensions serve as informal versions of long-term residency where permanent residency leading to naturalization and citizenship is unavailable. In some cases, states have been quite openly complicit in this practice. Postwar European countries tried and failed to remove people whom they had recruited for temporary work programs. The US has long had in place several programs explicitly dedicated to promoting indefinite temporariness for undocumented immigrants, for example Deferred Enforced Departure, other forms of parole, and Deferred Action for Childhood Arrivals. Frequently, termination of status and subsequent deportation looms as a very real possibility for any given individual experiencing protracted temporariness. European countries and the US have invested heavily in removing unauthorized residents and in threatening others with deportation as a means of policing borders.

4 Norms and Practices of Temporary Refuge: The Discretionary Episodic Approach

Even in an immigration landscape in which permanent settlement is often foreclosed, TPS is exceptionally difficult to justify. TPS enacts an approach to displacement that emphasizes discretion and treats displacement as episodic. All refuge is to some degree discretionary insofar as states can assess ongoing crises and displacements, designate the refugees they will accept, and revise their caps annually. But a program of refugee resettlement that is adjusted annually (or even an annual allotment of temporary work visas) will be more predictable and less arbitrary than the exercise of discretion on a moment-by-moment basis. Episodic discretion treats the need for refuge as tied to specific events that cannot be predicted and for which remedies can only be implemented post-hoc. Most refugee receiving countries have ongoing visa allotments that commit the country ahead of time to resettling political refugees and do not tie those visas, post-hoc, to any specific event. Episodically defined problems can and perhaps should be addressed with discretionary solutions because single episodes are by definition not generalized.

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The circumscription around TPS is more starkly episodic than traditional refuge and asylum because not only does each TPS designation depend on the acknowledgement that a given episode creates an obligation to offer protection to victims, but each episode is also assumed at the outset to be one that will resolve itself. The assumption of future resolution exempts the program from nonrefoulement commitments that make any forced return of people with refuge and asylum unlawful. But it is clear in many instances that assumptions of future resolution are misguided. In the US, TPS is rarely terminated. Even during Trump's attempt to end TPS and deport people who have been living with TPS for decades, when almost all lawful immigration and eventually short-term travel to the US was halted, ultimately grants for people with TPS were extended and mass refoulement was averted (Rodriguez, 2021).

Should climate migration be treated as episodic and requiring episodic redress? Natural disasters, according to the language of the original bill authorizing TPS, are episodes. Like political conflict, storms and earthquakes can be seen as episodic because no two iterations are predictable in their timing or their features. But climate change itself is not a natural disaster. Scientists treat climate change as a phenomenon for which predictive models can and should be consulted.[14] Climate scientists are virtually unanimous about the certainty that climate change will continue for the foreseeable future, along with manifestations such as rising sea levels, shifting weather patterns, and changes to food production. Their projections suggest exponential growth in the factors – regional food insecurity, rising sea levels, heat, fire, and so on – that cause climate mobility (The World Bank, 2021). In 2022 the world saw temperatures so high in densely populated parts of South Asia (44–45C/111–113F) that people at risk because of their physical health and/or exposure were subjected to unsustainable, likely fatal, conditions (Ellis-Petersen & Baloch, 2022). Michael Doyle's contribution to this volume describes in detail acknowledgment on the part of the United Nations High Commissioner for Refugees (UNHCR) that weather-related displacements are increasing exponentially.

[14] Climate change is also not a natural disaster insofar as it is a manmade phenomenon, but this is a less salient point than the overall claim being advanced that climate change and its consequences are predicted to continue for the near future, if not significantly longer.

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An episodic approach to climate change and climate mobility misrepresents a phenomenon for which predictions already exist. Even though the science of predicting climate change is evolving, scientists agree that climate change is happening, will continue to happen, and cannot be reversed for the foreseeable future (Oreskes, 2022).[15] Displacement is inevitable. A predictable phenomenon for which no remedy currently exists does not call for episodic responses.

Furthermore, climate displacement and migration may sometimes be temporary, but climate science predictions warn that many effects of climate change will render the locations people flee permanently uninhabitable in ways that wars and persecution do not (Lustgarten & Waldron, 2020). This process has started for people in low-lying islands that are becoming submerged (e.g., Tuvalu) but is likely to accelerate with rising sea levels and temperatures in many regions. At present the largest proportion of this migration has yielded internal displacement.[16] But it is difficult to see how these kinds of displacements can remain contained within nation-state boundaries when the scale of inhabited territories being affected by climate change and the speed of that change are outpacing even many dire predictions that scientists offered in the 2010s.

Finally, climate change is also not something humans can control in the way they do wars and cease-fires, even though climate change is a process triggered by human choices. Neither preventive nor mitigation measures can properly be analogized to cease-fires and effective peacekeeping, even if mitigation or preventive measures eventually slow or prevent some displacement. If anything, climate change is less episodic, more predictable, and far less subject to human-made remedy than any form of persecution.

Because climate change is neither episodic, nor unpredictable, and cannot be controlled (in the short term) the way cease-fires and treaties can control conflict, the kinds of judgments that must be made when assessing whether people qualify for temporary refuge do not apply to climate refuge. This is true even in circumstances where persons displaced by discrete events and natural disasters express a preference to eventually return home. Not only do humans not control how the

[15] See also Michael Doyle (Chapter 9).
[16] www.ohchr.org/en/press-releases/2022/06/intolerable-tide-people-displaced-climate-change-un-expert.

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natural processes that we trigger unfold, but also, over time, climate change will remain a poor fit with a discretionary episodic framework for relief.

Furthermore, accepting temporary protection as a default and appropriate response to climate mobilities validates state power to deny important rights to members of their societies, deny them permanent protection, and evade responsibilities for refugee resettlement. Drawing on the concept Shachar advances in *The Shifting Border*, state responsibility has not been tied to the narrow temporal boundaries of temporary refuge. On the contrary, short-term visas assign their bearers responsibility for their own temporariness. They compel consent to short-term status in circumstances where viable alternatives do not exist. They insist that the displaced commit to leaving when their visas expire, barring a renewal or change of status. But, unlike short term work, travel, and study visas, forcibly displaced persons by definition cannot consent to their displacement. This makes the nature of that consent categorically quite different from the consent of someone whose intentions are to work, enroll in a school, or even visit family.[17]

5 Pushing Back

In their recent scholarship, Benhabib and Shachar perform the invaluable work of diagnosing important problems with contemporary bordering practices and, crucially, steering scholars toward strategies for moving forward. Shachar emphasizes ways to extend states' legal obligations so that they follow the shifting border while Benhabib recommends a number of tools including rethinking responsibility and 'thinking ahead' rather than treating individual refugee crises as unpredictable surprises with unforeseeable causes. In the spirit of solidarity with their insistence that purely normative work critiquing existing migration protocols will not save lives or bolster the protection and inclusion of forced migrants, I would like to probe how to transform a temporal injustice into temporal justice using widely subscribed principles. This would fulfill Shachar's and Benhabib's goals

[17] It should not go unstated that the entire regime of migration categorization imposes artificial distinctions between discretionary and nonvoluntary migration that much better reflect state power than the complex human motivations for traveling and migration. On this, see Hamlin (2021).

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of rethinking responsibility and, in particular, ensuring that responsibility follow the shifting border. Here I want to talk about how to tie state responsibility to time.

The first move forward, following Benhabib's call to "think ahead," would require states to move away from exclusively episodic approaches to climate refuge and toward the kind of ongoing resettlement efforts that have been enacted to resettle some portion of people fleeing persecution and war. In some cases this may mean managed retreat but in others it will require more traditional resettlement (Ajibade, Sullivan & Haeffner, 2020). To be sure, fewer visas for resettlement are made available each year than are sought. But climate migration will not wait for states to fully sort out responsibility for political refugees. Simply acting on our knowledge that climate displacement is certain in the years to come will mark a step toward thinking ahead. While there is good reason for the existing focus on international agreements (e.g., the 1984 Cartagena Declaration), ultimately state definitions of eligibility for resettlement must acknowledge climate displacement.

A second step forward would be to revalue the time of persons who have held short-term visas for long periods of time. This follows Shachar's recommendation to attach state responsibility to shifting borders. Just as people arriving with permission to resettle would under most circumstances wait a probationary period of time before naturalizing, so too can people with short-term visas eventually have time-in-residence credited toward eventual citizenship eligibility.[18] Ongoing adjustment would not be "amnesty," which is itself episodic relief for people who have lived long-term without authorization papers. Step-up programs toward citizenship acknowledge the undemocratic nature of compelling people whose claims have been validated to indefinitely renew their political status in brief segments of only a few months or years. The explicit justification for the temporary refuge programs currently in place in the EU and US at the time that they were enacted is that some crises quickly displace so many people that even processing their refuge and asylum claims would be impossible for the states where they might make such claims. The plausibility of this justification wanes with each passing renewal.

[18] I explore the common democratic principle of according political value to time-in-residence in Cohen (2015).

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There are a few concerns that a skeptical reader might have when confronted with an argument to push back against episodic approaches to refuge. First, the fear may arise that in pressing states to adjust the statuses of long-term bearers of short-term visas, states will respond by simply ceasing to offer temporary protection. In other words, temporary protection is the best protection one might reasonably hope states to enact, and the reasons states have for offering temporary protection suggest that, when pressed, they will rescind even this very thin form of refuge. While it is possible that pressing states to do more on behalf of those who they have previously agreed to shelter temporarily could result in reactionary policies, the risk seems low in a context in which states are already generally free to eschew offering any kind of refuge to anyone. This isn't exactly an optimistic assessment. But Global North countries are increasingly poorly served by mass deportation. Enfranchisement might not be politically popular, but deportation would be much more costly.

Second, it might seem simpler to reject mobility in favor of sedentist assumptions that all short-term mobility is suspect. The related ideals that temporary migration should be exceptional and only migration-as-settlement is acceptable may be well intentioned.[19] But short-term migration is now well established. Attaching only weak sets of rights to temporary statuses under the guise of discouraging people from seeking permanent temporariness blames the least responsible agents for temporary migration regimes: displaced persons. Temporary migration is widely known to be the only means by which people, especially people from states in the Global South can find refuge in North America and the EU. States offering temporary statuses are responsible for the terms of those statuses.

Conclusion

The precarity that distinguishes temporary protection stands in sharp contrast to the aspirational twentieth-century ideal that citizenship fulfills a human right to have rights. Over time, the intractability of

[19] See Altundal (2022) for descriptions of how entrenched is the idea that permanent settlement is a norm and that mobility is a problematic deviation from that norm. In fact, the global visa regime may enforce sedentism (or sedentarism, as some call it) on people who would otherwise not view travel as an exception to a rule of settlement.

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ongoing and predictable displacement throws into relief the inadequacy of offering temporary extensions of protection to people who are indefinitely, if not permanently, displaced. When and for how long people can access the things to which they are entitled matters. Episodic and temporary protection weaponizes time as an evasion of responsibility for the people most adversely affected by climate change. While short-term visa statuses are now a permanent features of international migration regulations, it they should be treated with skepticism in the realm of refuge and climate migration.

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