

Smuggling critique into impact: Research design principles for critical and actionable migration research

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Abstract

This article introduces *critical and actionable migration research* as an approach for scholars seeking to mobilize their epistemic resources to resist migration laws and policies that violate human rights principles in the short and medium term. While academia is increasingly shaped by a neoliberal “impact agenda,” violence at physical and administrative borders, as well human rights violations continue to intensify - raising questions about the potential role of academic knowledge in resisting these dynamics. Using ideal types as simplified analytical constructs, the article suggests that the limited transformative potential of academic knowledge stems from a persistent dichotomy: applied research is often not critical and critical research is often not actionable. Overcoming this dichotomy, *critical and actionable migration research* advances structural transformations and reframes while simultaneously remaining actionable for state actors in the short and medium term. As such, *critical and actionable migration research* is not applied research, nor devoid of theoretical considerations. Using the metaphor of smuggling, this article asks how migration researchers can reclaim the meaning of “impact” so that it contains the grains of critique that resist border violence and human rights violations in the short and medium term. The article’s answer is based on autobiographical explorations of what it means for an anthropologist to produce knowledge on migration from within law faculties and as policy officer and research consultant for human and refugee rights organizations. Based on this material, the article argues that “impact” is nothing to be “done” once the research is completed. To engage in *critical and actionable migration research*, scholars should instead theorize *transformative knowledge encounters* between academics and practitioners as integral parts of the research design. After a discussion of the autobiographical data and a conceptual discussion of *transformative knowledge encounters*, the article highlights three specific research design principles for *critical and actionable migration research*: (1) building innovative knowledge alliances, (2) theorizing knowledge needs, and (3) brokering the validity of truth claims.



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Smuggling critique into impact: Research design principles for critical and actionable migration research

The stakes of (migration) scholarship are high at times when the rise of right-wing extremism is shaking the core of democratic principles, including threats to the rule of law. Many migration scholars would like to find ways to mobilize their knowledge to resist violence at physical and administrative borders and migrants' human rights violations. At the same time, "impact" and "evidence-based policymaking" have become buzzwords in academia (Bandola-Gill 2019) and policy circles. The push for "impact" in migration research unfolds within a context shaped by two key factors. First, it is shaped by a neoliberal academic environment, in which universities are increasingly driven by market-oriented values and practices (Skea 2021; Yin and Mu 2023; Burton and Bowman 2022; Raaper and Olssen 2015; Borofsky and De Lauri 2019). Here, research impact is often conceptualized through "surprisingly simple and linear ideas" about how research can be "utilized" (Boswell and Smith 2017, 2), frequently reducing impact activities to policymakers merely attending meetings organized by researchers (Stierl 2020, 12). Second, it operates within a post-truth context where alternative facts and outright lies increasingly dominate public debates (Aradau and Huysmans 2019; Kelly and McGoey 2018; Kavanagh and Rich 2018).

Although there is increasing emphasis on achieving impact, migration research continues to exert minimal influence on policymaking and public debate (Natter and Welfens 2024). In fact, policymakers have ignored migration research they themselves directly funded (Kalir and Cantat 2020), as well as legitimized their policies through their own knowledge production (Welfens and Bonjour 2023; Korneev 2018; Kluczevska 2020). And even when impact occurs, it can be hollow, such as merely reinforcing or delaying decision-making (Weiss 1979). Impact can also be detrimental, for example, by reinforcing processes of migrantization and racialization (Dodevska 2024) or presenting highly normative issues as neutral (Parkhurst 2016). Even

scholarship that is explicitly critical of state control can inadvertently reproduce policy assumptions, sidelining long-term historical continuities in the rush to address the latest migration crisis (Cabot 2019). These dynamics have prompted calls for policy-irrelevant research (Bakewell 2008),¹ leaving migration researchers grappling with how to go beyond a “do no harm” ethics (Borofsky and De Lauri 2019).

Using ideal types as simplified analytical constructs, the article suggests that the limited transformative potential of academic knowledge stems from a persistent dichotomy: applied research is often not critical and critical research is often not actionable. These ideal types build on Boltanski’s (Boltanski 2011) distinction between radical critique, which challenges the legitimacy of entire systems, but is often ineffective in driving immediate policy shifts; and ordinary critique, which operates within existing systems to seek incremental improvements without destabilizing them. On the one hand, policy makers do not act on scholarly recommendations that are highly critical, but not actionable for state actors in the short or medium term.² On the other hand, when scholarly recommendations are actionable, legal and policy changes do not necessarily result in meaningful improvements for the lives of refugees and other migrants.

Going beyond these dichotomies (Boltanski and Thévenot 2006), this article introduces *critical and actionable migration research* as an approach for scholars seeking to mobilize their epistemic resources to resist migration laws and policies that violate human rights principles. *Critical and actionable migration research* advances constructive critique, and identifies concrete points of actions for state actors, in the short and medium term, grounded in structural transformations and reframes that are meaningful to the rights, dignity and lives of refugees and other migrants. While *critical and actionable migration research* is relevant to state actors, it transforms and reconfigures its categories, processes, and temporalities. As such, *critical and actionable migration research* is not applied research, nor devoid of theoretical considerations.

Against this backdrop, this article asks how migration researchers can reclaim the meaning of “impact” so that it contains the grains of critique that resist border violence and human rights violations in the short and medium term. In its answer to this question, the article uses the metaphor of smuggling critique into impact to suggest that *critical and actionable migration research* requires collaborative and strategic tactics. Just as a smuggler helps asylum seekers reach safety despite border controls, *critical and actionable migration research* tries to ensure that critique enters the decision-making processes of state actors, despite limiting frameworks and assumptions. This kind of research calls for a flexible navigation between radical and ordinary critique, and for reverse acts of smuggling—where critique crosses borders into state action, some logics of governance also travel back to inform constructive critique by migration scholars.

¹ Bakewell’s call for policy-irrelevant research does not actually give up on the idea that research could be of practical relevance to the lives of people. To the contrary, he ends his article, stating that policy-irrelevant research could generate more meaningful changes to the lives of forced migrants than policy-relevant research.

² For the purposes of this article, I define actionable not in absolute terms, but in a situational manner. For instance, while a particular legal reform might appear feasible in principle, it may not be achievable within a specific geographical and historical context.

To answer its research question, the article draws on autobiographical reflections on what it means for an anthropologist to produce knowledge from within law faculties, as well as from my work as policy officer and research consultant for human and refugee rights organizations. From both positionalities, I have worked and reflected on the role of evidence in human rights advocacy and strategic litigation. Human rights advocacy refers to advocating for changes to laws, regulations, or government policies. Strategic litigation, also known as impact litigation, refers to legal complaints in courts aimed at achieving structural changes beyond the direct resolution of an individual case. Litigation and advocacy are distinct yet interconnected domains, illustrating how political and legal processes are deeply intertwined. When human right defenders struggle to win political arguments, for example, legal judgments can lend symbolic authority to claims on states. The implementation of judgments also requires further advocacy by human right defenders.

The article focuses on transformations of legal and political processes in the short- and medium term. Here, the article's limit is that its arguments are based predominantly on engagements with law in general and court cases in particular. In a world organized by nation states, law can serve to hold states accountable, notably by questioning the use of violence. Law, however, has its own limits and is by far not the only factor able to transform political processes. Public opinion, amongst others, is also crucial (Haas 2024). Here, scholars can play a role when teaching, participating in media debates, reaching broader audiences through, for example, documentary films or museum exhibitions, as well as through long-term engagements with civil society organizations, migrant activists and grassroots movements. The article does not intend to create hierarchies between various forms of engagement (Low and Merry 2010). Instead, the aim is to foster a discussion that reconciles radical and ordinary critiques, advocating for a politics of care and responsibility for engaged scholars working within the framework of existing nation-states.

Drawing on my engagement with the human rights of migrants inside and outside of academia, the article argues that “impact” is not something to be “done” once the research is completed. To engage in *critical and actionable migration research*, scholars should instead theorize and design *transformative knowledge encounters* between academics and practitioners as integral parts of the research process. The article defines *transformative knowledge encounters* as interactions between scholars and practitioners that aim to reshape political and legal processes in order to resist border violence and protect migrants' human rights in the short and medium term. Practitioners are broadly understood as anyone who works on or in legal and political processes.

Transformative knowledge encounters imply a deliberate choice to engage with the complex entanglements between knowledge and power. While their primary aim is to critically transform laws, policies, and state practices, they may also reshape the relationships between scholars and practitioners, as well as understandings of what constitutes relevant and valid knowledge. When migration scholars seek to smuggle critique into impact, they can draw on existing research into the role of knowledge in political and legal processes (Boswell 2009; Boswell and Smith 2017; Lindberg 2024). At the same time, choosing to engage in such smuggling may itself also generate new insights into the role of knowledge in political and legal processes.

The article opens with a reflection of the autobiographical data, as well as a conceptual discussion of *transformative knowledge encounters*. Based on this methodological and conceptual framework, the article then puts forward that the transformative potential of knowledge encounters hinges on designing research based on three questions about knowledge in legal and political processes: Who needs knowledge? What is relevant knowledge? How does knowledge come to be validated? Based on these questions, the article identifies three research design principles that can enable *transformative knowledge encounters* for *critical and actionable migration research*: First, build innovative knowledge alliances. Second, theorize knowledge needs for justice claims. Third, broker the validity of truth claims.

1 Autobiographical reflections as data

As an anthropologist, I have worked on migration laws and policies both inside and outside of academia. Inside of academia, I worked for nine years (2011- 2017, 2021-2024) as an anthropologist at the law faculty of respectively the VU Amsterdam and Ghent University. Outside of academia, I worked for five years (2015- 2020) respectively in different positions: as “research consultant” for human and refugee rights organizations, as “policy officer” for Amnesty International, as “research consultant”, and as “lead researcher” for a Syrian NGO in Lebanon. These different job titles gave me different degrees of autonomy during research design, fieldwork and analysis.

A relatively high degree of autonomy to shape my own research agenda outside of academia was possible in the aftermath of the European 2015 crisis of refugee governance. The perception of a migration crisis resulted in increased funding for civil society actors, including for research. A grant from the Open Society Foundation, for example, allowed me to design a research project about post-deportation risks. I was funded for over a year of fieldwork in both familiar and new locations on three continents, as well as able to allocate time to learn a new language, Arabic, from scratch. In another context, however, I was also once faced with the request of a funder to deliver raw data, and not analysis. Here, I chose to resign after failed negotiations for more autonomy.

Acting as a broker between different domains of action can be intellectually stimulating, yet personally challenging. I have often felt judged, side-lined and devalued for choosing to conduct research for non-academic institutions and human rights objectives. The term “consultant” carries a negative connotation in academic circles as it is often seen as an economic necessity for those unable to enter the elite ranks of ‘pure’ research. Whilst starting my advocacy-driven research project on post-deportation risks, I recall a conversation with an academic researcher who vehemently discredited NGOs for being captured by state interests. At the time, our discussion did not address the subtle politics of EU funding schemes, which have also been influencing academic research agendas (Cabot 2019; Stierl 2020).

Putting aside cleavages between academic and non-academic research, the academic research field on migration itself is also characterized by internal fragmentation and delegitimizations between sub-fields (Natter and Welfens 2024). At times, highly critical migration research can degenerate into mere rhetoric, with critical positions primarily serving to delegitimize other forms of research (Binder et al. 2013, 35). In many ways, I

am only able to finalize this article project now that I have ticked again the boxes of academic legitimacy by having secured two medium-sized academic grants for the next five and a half years. I hope that these grants will allow me to create and join more spaces for conversations across sectors and fields.

Writing this article project gives me an opportunity to reflect back on my own practices of researching, producing and submitting evidence to policy makers and judges. When I engaged in these practices, I had no premeditated intention to subsequently use my research practice as autobiographical data. In the absence of fieldnotes, I reviewed my different publications, events, fieldwork trips, including email conversations with grant-makers, lawyers and advocacy officers. In doing so, I focused in particular on moments of frustration, learnings and unexpected developments. In order to protect the respective organizations and actors I worked with, I mobilize my auto-biographic data to mainly reflect on my own actions, including mistakes. I hope to approach this in a way that is neither judgmental of others nor defensive of my own choices.

2 Theorizing transformative knowledge encounters

“Violence does not persist due to a lack of arresting stories ... but because those stories do not count” (Davies 2022, 3). There is a wide gap today between stories that migration scholars have heard and try to amplify and the stories that drive decision-making in law and policy (Baldwin-Edwards, Blitz, and Crawley 2019). In this article, I argue that this gap can be addressed by conceptualizing *transformative knowledge encounters* between academics and practitioners as central to the design of *critical and actionable migration research*.

When conceptualizing knowledge encounters, I draw on the reflexive work of anthropologists of development who have identified three ideal types of academic engagement with practice and its practitioners: rejectionists, monotorists and conditional reformers (Lavigne Delville and Fresia 2018; Grillo and Rew 1985, 28–31). Rejectionists adopt a radical critique that questions the epistemological foundations of aid, fundamentally rejecting the idea that scholarship can be useful for action; consequently, they do not collaborate with practitioners. Monotorists, by contrast, engage in operational critique aimed at improving action without questioning its underlying frameworks, participating actively in the definition and implementation of projects. Conditional reformers occupy a middle ground, arguing that anthropologists can play a meaningful role, provided they are “fully aware of what involvement in that world means, ethically, politically, and practically” (Grillo and Rew 1985, 31). This approach offers a comprehensive critique that not only engages with practitioners' knowledge practices, but also recognizes their capacity for critical reflexivity.

Transferring the above-discussed ideal types to the field of migration politics, *critical and actionable research* aligns most closely with the conditional reformer position, grounded in a comprehensive critique. A comprehensive critique necessitate humbleness to accept that academia does not hold a monopoly over knowledge. Practitioners are also situated thinkers, who - despite their daily tasks - are at times acutely aware of the structural limitations of their work and open to engage with different types of critique. Importantly, these positions are not fixed; both scholars and practitioners can flexibly

navigate between different positionalities and types of critique, adapting to specific moments and contexts.

The article's notion of *transformative knowledge encounters* contributes to the literature on the nexus between research and migration policies (Geddes 2014), notably by foregrounding design principles for *critical and actionable migration research*. There is politics to story-telling - but an archive of stories and documentation does not, without additional work, turn into audible justice claims within the corridors of policy makers, legislators, judges or other state officials. What new pathways for action emerge once academic research has reframed the problem and its underlying causes? This is typically where academics stop and civil society is not able to start. In response, this article proposes three research design principles for fostering *transformative knowledge encounters*.

3 Building innovative knowledge alliances: Who needs knowledge?

Innovative knowledge alliances enable scholars to act as, or support, intermediaries in legal and political processes. Knowledge brokers mediate tensions between structures and actors (Sardan 2016), facilitating the flow of ideas across institutional boundaries. Framing knowledge encounters through the lens of brokerage practices (Bräuchler, Knodel, and Röschenthaier 2021; Koster and Van Leynseele 2018; Faist 2014; Lindquist, Xiang, and Yeoh 2012) makes it possible to foreground the infrastructural barriers that must be overcome for transformation to occur.

The knowledge infrastructures linking research communities and practitioner communities (Dodevska 2024; Geddes and Scholten 2015) are shaped not only by the strategic ignorance occasionally deployed by state actors (Borrelli 2018; McGoey 2012), but also by their capacity to deflect responsibility for producing and acting upon partial or wrongful information (Aradau and Perret 2022). In addition, state-crafted fictions have increasingly come to be accepted as “truths” about the social world (Lindberg and Borrelli 2024). In this context, the article's title becomes more than a sly metaphor. Smuggling critique into impact requires a plurality of collaborative tactics that over time transform how knowledge can inform legal and political processes.

Innovative knowledge alliances expand the range of possible knowledge encounters for scholars. Knowledge alliances often focus either on migrants and their supporters (Stierl 2019; Amelung, Scheel, and van Reekum 2024), or on practitioners narrowly defined as state representatives or professionals who engage directly with government institutions (Lacroix, Potot, and Schmoll 2021). Restricting the roles of conditional reformers and migration experts to those aligned with state bodies or international organizations, however, overlooks the fact that human rights defenders, parliamentarians, and international NGOs also rely on expert support. Reversely, refugees and other migrants might also require brokerage practices in order to be able to inject their needs and expertise into legal and political processes. In my personal trajectory, I have been in alliances with justice actors, such as lawyers, human rights advocates, international NGOs and international organizations with human rights mandates. However, I do not limit the definition of intermediaries to legal actors. Other scholars have, for example,

sought to influence state practice in alliance with social workers³ or refugee-led organizations.⁴

Innovation emerges through mutual learning and co-creation, where scholars base their challenges of limiting assumptions in migration control practices on deep learnings from practitioners. Innovative knowledge alliances thus require safe spaces for internal confrontations and mutual respect for each other's knowledge practices. Such internal and mutual confrontations are more difficult in alliances involving powerful institutions that control access to field sites. When building knowledge alliances, it is crucial to attend to how power shapes both access and the space for critique (Binder et al. 2013, 46–47). These tensions can be navigated by strategically working in alliances and blurring the boundaries between academia and practice at times visibly in public, or only discreetly behind closed doors.

So-called “impact” activities mostly assume that scholars are the ones who will share their knowledge with practitioners, whereas innovative knowledge alliances unravel such assumptions about who needs knowledge in at least two ways. First of all, innovative knowledge alliances invert the usual direction of knowledge transfer by foregrounding what scholars must learn from practitioners, rather than merely what they can teach. Some practitioners, such as for example advocacy officers, media officers and campaigners, are specialized in mobilizing knowledge for transformative purposes. The methods of these practitioners might very well go against the expectations of grant-makers, who equate the visibility of research projects with impact. Yet, legal and political processes are of course not organized around the life time of academic project cycles. Well-timed and publicly invisible encounters with practitioners can be much more transformative than visible ones. During my time at Amnesty, for example, I had the opportunity to witness what it meant for a human rights organization to do a fact-checking exercise with state authorities. Prior to the publication of our report, we gave Dutch authorities a chance to read relevant sections of the report and to provide input on factual errors. Whilst getting “facts” right is crucial for an advocacy report, the fact checking exercise served also to create a relationship of trust and mutual respect for shared standards of professionalism. It is also the phase during which authorities are the most likely to make the effort to read a critical publication closely. Fact-checking does not work if disagreements are shared over Twitter or other social media platforms.

I have at various points continued this practice. For a research project on IOM “emergency returns” from Libya and Niger, for example, I shared the manuscript with the IOM headquarters in Geneva, which in turn asked four country offices to read and comment on the report. The report questioned whether the IOM emergency returns from Libya and Niger were a protection response, or a source of protection concerns (Alpes 2020). The interview material with people relocated to Nigeria and Mali questioned the voluntary nature of the “return” operations, the efficacy of reintegration aid and pointed to high re-emigration rates. As a whole, the report put a finger on IOM's complicity with migrant detention in Libya, as well as with Algerian deportations to Niger. Because of the trust relationship I had established with staff at the Geneva head office, staff in the respective country offices were officially tasked to read the report

³ <https://www.craftingresilience.nl/research/>

⁴ <https://www.engagedscholarshipnarrativesofchange.org/our-cocreations/refugee-academy>

carefully. I received very detailed comments on all aspects of the report, including footnotes. Most poignantly, comments from IOM staff questioned the returnees' framing of the "return" operations as "deportations". As the research was funded by an international foundation, I was free to integrate the comments or to disregard them. I was also independent because interviews with IOM staff or access to IOM sites had not been conditional on institutional approval prior to publication.

Whilst I fully integrated all comments that were purely factual, I used comments that were of a more interpretative and political nature to strengthen the way I presented my arguments. For the matter of whether the emergency returns were "deportations" or humanitarian work aimed at "assisting migrants in need", I created a text box to present both perspectives. Making these choices took me almost an entire work week. Through informal channels, however, I was later told that the report created internal waves of discussion and debate on whether the operations were of a humanitarian nature, or part of wider migration control measures. Nobody at IOM would have bothered to read the report after it had already been published.⁵

Secondly, academics at times stand to gain more from alliances with civil society partners, than the reverse. In my experience, a human rights practice can generate otherwise inaccessible data for fundamental social science research. Prior to starting a three-year contract in an ERC-project on evidence in international human rights adjudication, for example, an opportunity arose. Through networking, I had obtained the contact details of 26 survivors of pushbacks from Cyprus to Lebanon. The submission deadline for complaints against Cyprus in front of the European Court of Human Rights (the Court, the ECtHR) had not yet passed. I wanted to interview these survivors in view of potentially submitting new applications to the Court. Although I argued that taking part in a law case was participant observation, the PI of the ERC project I was going to work for only weeks later denied funding. I was told that submitting cases to the Court was not academic research. Luckily, EuroMed Rights was able to channel a small budget for these interviews into my hands.

Following the paper trails of the ensuing 26 ECtHR submissions was in the end my most unique and best fieldwork data for the ERC project. The Court's registry had refused to register all 26 complaints the lawyer had lodged with the help of the testimonies I had gathered. Such non-registrations do not figure prominently on the website of the Court, nor in conversations in the human rights community. Without my personal experience, I would not have been aware of the problem. Working through the reasons for the non-registrations, however, was intellectually highly rewarding (Alpes and Baranowska 2024). Knowing the trajectories of all 26 applicants allowed me to develop a thick description of the erasure of pushback evidence, which I could not have done with classical interview data. Yet, NGO money had paid for my fieldwork data.

In sum, co-designing research with knowledge brokers engaged in legal and political processes amplifies the transformative power of migration scholarship. Crucially, transformative scholarship requires that academics learn from practitioners, particularly

⁵ The report sought to be actionable by converting research insights into constructive suggestions to pay greater attention to the rights of migrants in transit countries, as well as of citizens in countries of origin. When I re-used the data to write an academic peer-review article three years later, the research lost its actionable qualities (Alpes and Sylla, 2024).

intermediaries who understand the timing and tactics of engaging state actors and their representatives. Innovative knowledge alliances can also offer otherwise inaccessible insights into how knowledge operates within political and legal processes - insights that are highly relevant for fundamental research. Taken together, these insights call for greater humility and generosity in scholars' engagement with practitioners.

4 Theorizing knowledge needs: What is relevant knowledge?

If migration scholars want their knowledge also to be relevant outside of academic circles, the definition of what is relevance needs to be seriously reconsidered. For the purposes of this article, I define political and legal relevance as the extent to which knowledge can be converted to challenge assumptions and simultaneously account for existing frames in law, policy and state practice. Such conversion processes include, but also go beyond "damage-centered research" (Tuck 2009) that records or proves harm in order to convince an outside adjudicator that reparations are deserved. I am not suggesting that migration scholarship should limit itself to producing knowledge that is relevant in legal and political processes in the short and medium term. Instead, I am calling for theoretical reflections on conversion processes of knowledge from one domain into the other, including gaps and possibilities for synergies.

Knowledge that is academically relevant does not have to be relevant for legal and political processes, and vice versa. My book *"Brokering High-Risk Migration and Illegality in West Africa: Abroad at Any Cost"*, for example, is critical of the legal paradigm of trafficking, but the proposed alternative frame of "migration brokers" in cross-border facilitation processes is not relevant for policy makers. Consequently, the book had next to zero impact on policy debates on trafficking and smuggling. It was relevant only to academics who care about emic perceptions of migration risks and illegality (Alpes 2017). For public debates and the general education of students, there is of course great value in a critical inquiry into the criminal framings of smugglers, and I know that the book is regularly used in teaching curriculums. Nonetheless, according to the article's definition, the book's knowledge is not politically or legally relevant – notably because it cannot be converted directly into legal obligations of a state to change specific laws, policies or practices in the short and medium term.

Determining what knowledge is relevant in given political and legal processes requires careful research into the role of knowledge in law and policy, as well as healthy confrontations with practitioners who can act as knowledge brokers. Even when working as a consultant at the Dutch section of Amnesty International, I failed to fully draw on existing expertise for research design. Consequently, a lot of my fieldwork findings were very interesting, but not relevant for the specifically available advocacy windows. I had conducted research about post-deportation risks with Congolese deportees in Kinshasa. The findings about detention, enforced disappearances and statelessness pointed to the responsibilities of Congolese state officials - and this regardless of how deportations were implemented by deporting states. Most of the Congolese deportees I had interviewed had been deported by the UK. As the report was going to be published by Amnesty Netherlands, however, our report needed to speak to Dutch policy makers and government officials. In discussion with the respective advocacy officers, we ultimately came to the conclusion that Dutch policy makers and practitioners would not question their legislation, removal decisions and/or deportation

proceedings on the basis of research findings for individuals deported from other countries than the Netherlands. We thus disregarded most of the data in the final report.⁶

Conversations and engagements with human rights advocates in other contexts, however, encouraged me to go further. With permission from Amnesty Netherlands, I published a piece on post-deportation risks in the Democratic Republic of Congo (DRC) with the Migration Policy Institute in my own name (Alpes 2019). The publication substantiated prior research findings about risks of detention and torture by a British NGO. In particular, the piece highlighted both real and perceived political activism as a catalyst for detention and extortion, risks beyond the initial detention period at the airport, as well as the importance of identity documents for the life trajectories and respective vulnerabilities of deportees. The British Home Office cited the publication 23 times in their revised policy for Congolese asylum seekers in the UK,⁷ and a British law firm asked me to write up an expert report for the appeal of one of their Congolese clients. Findings could be converted into considering whether removal orders were well-founded, as well as into adjusting deportation proceedings and post-arrival assistance. Because of a direct link between empirical research findings and a legal state obligation, the findings were more actionable than those of my book.

While this piece of research did not itself constitute fundamental research, politically and legally relevant forms of knowledge production can at times nonetheless serve as valuable data for fundamental social science research, or the reverse. Anthropologists, for example, have a long tradition of acting as expert witnesses in asylum cases (Murray 2014). This type of relevant knowledge production necessitate simplifications (Good 2006). Yet, the analysis of these simplifications in the practice domain can provide intellectual insights into the role of knowledge in law and policy. Höhne, for example, has identified as “strategic essentialism” his flexible mobilization of categories in expert opinions that he would otherwise avoid in his academic work (Hoehne 2016).

Finally, the relevance of knowledge should not be limited to feeding evidence into legal or political processes. Knowledge about legal and political processes can also be relevant for transformations. Research into procedural parameters and professional ideals of decision-makers (Vetters and Foblets 2016), for example, can also provide cues for how to navigate particular legal institutions and processes. The key here is to go the additional step that spells out actionable pathways after the initial research about a particular legal or political process. Based on our initial research on the erasure of evidence in pushback litigation at the ECtHR, for example, I co-authored a second academic article that spells out underused, but realistic tools for judges that can support the factual assessment of pushback cases (Baranowska et al, Forthcoming).

In sum, knowledge encounters will only be transformative if based on a grounded understanding of actual knowledge needs in respective domains of actions. Supporting justice claims can be strengthened through research into the role of knowledge both

⁶ <https://www.amnesty.nl/content/uploads/2017/07/Rapport-Uitgezet-Mensenrechten-in-het-kader-van-Gedwongen-Terugkeer-en-Vertrek.pdf?x79902>

⁷ Country Policy and Information Note, Democratic Republic of Congo: Unsuccessful asylum seekers (January 2020). https://www.ecoi.net/en/file/local/2023159/DRC_-_CPIN_-_UAS_-_v4_-_final.pdf

about and within legal processes. Innovative knowledge alliances can help develop sharper analytics of which forms of knowledge matter - and how they might inform or even reshape political and legal processes in the short and medium term.

5 Brokering the validity of truth claims: How does knowledge come to be validated?

Critical and actionable migration research brokers the validity of truth claims of survivors of border violence and human rights violations. Validity is not just an epistemic, but also a social accomplishment (Aradau and Huysmans 2019). In order to achieve this accomplishment, scholars require a deep understanding of how knowledge comes to be (in)validated in the respectively targeted legal or political processes.

Knowledge claims are validated through fundamentally different modalities in academia and in diverse domains of practice. Academia relies on peer review as its standard of validation. Conversely, judges in courts, officers handling asylum procedures, and policymakers assessing integration measures base their decisions on evidence evaluated according to their own specific institutional norms, principles, and standards. For example, the European Court of Human Rights requires proof “beyond reasonable doubt,” a legal threshold that differs sharply from academic criteria of validity or probability (Loevinger 1992). These parallel systems operate independently, reflecting distinct epistemic logics. In addition, the validation of knowledge in legal and political processes can reflect problematic power-laden hierarchies. People on the move, for example, often struggle to make their truth claims heard in a political processes as decision-makers give greater weight to state-produced evidence (Levy 2022; McDonald-Norman 2014). These dynamics exist partly because state actor also try to co-determine what constitutes knowledge and what knowledge is to them “true enough to act upon” (Eule 2018, 129).

Critical and actionable migration research can either seek to change these hierarchies by challenging the rules that define what counts as valid knowledge, or strategically work within them by producing evidence that meets institutional standards while nevertheless amplifying migrant voices. Seeking to change the rules of the game is a more long-term endeavor and thus less actionable than trying to validate truth claims within existing rules. Both strategies, however, require understanding and engaging with the internal logics of how truth claims are validated in legal and political processes. Taking these logics seriously does not imply uncritical acceptance. While academically grounded principles of validity are central to how I evaluate truth claims in research, transformative collaborations call for the humility to accept that these standards may be irrelevant or ineffective in legal and political practice.

In what follows, I will demonstrate my general argument through the specific example of evidence in pushback litigation. In doing so, I hope the case will foster discussion on how truth claims can be brokered across other fields of practice. The European Court of Human Rights operates with the “good faith” principle, meaning that judges as a point of departure assume that states have fulfilled their obligations under the Convention in good faith (Tsampi 2020). As human rights courts can only ever lean into the sovereignty of member states, it makes sense for judges to have to operate with this assumption. The reverse would not be realistic in the light of the case load of the

ECtHR. Consequently, when there is disagreement about the facts of a case, which is often the case in pushback cases, the burden of proof at the ECtHR typically lies with the applicant. This means that it is up to applicants to make a convincing case that a rights violation occurred. In addition, case law analysis has shown that ECtHR judges give greater weight to state evidence than to evidence from applicants, civil society organizations and the UN (Alpes and Baranowska 2024). These evidentiary principles always apply, but they cause special problems with pushbacks. At borders, state actors often fail to produce the required documents and also stop non-state actors from producing evidence.

To overturn the hierarchy that favors state evidence over migrant voices, one can deploy a mix of legal and empirical tactics. One counter-strategies to the erasure of voices, for example, can be a set of legal arguments for the shifting of the burden of proof (Baranowska 2023). When judges shift the burden of proof to states, it becomes the tasks of state lawyers to prove that state actors have respected the human rights of applicants. This makes it easier for applicants to win their cases, because submitted evidence by pushback survivors, including their own testimonies, can obtain greater weight. Some types of empirical evidence can also support legal claims to shift the burden of proof. In *MA* and *ZR vs Cyprus*, for example, we used testimonies from pushback survivors to co-write a Third-Party-Intervention (TPI) during the litigation process. The judges cited the TPI in their description of the general context, which may very well have contributed to the Court believing and validating the applicants' version of facts. The judges also emphasized that not only the applicants, but also the TPI had referred to facts spelt out by a Human Rights Watch (HRW) report. Together, the TPI and the HRW report made the applicants' allegations more credible.⁸

Although the worth of migrant voices is undeniable, brokering the validity of truth claims in court requires working within the institutions procedural framework. Based on the Cyprus case, for example, I have concluded that it can be more strategic to mobilize law to produce evidence, than to produce evidence to inform case law (Alpes and Baranowska 2024). Legal procedures to produce evidence can include interim measures, freedom of information requests or feeding information on state practices into investigations by the Committee for the Prevention of Torture. Scholars can mobilize their epistemic resources to support such procedures. For example, empirical insights about surveillance material can be useful information for subsequent freedom of information requests. Empirical research can also be critical to document the unwillingness of some state actors to produce evidence, or to avoid legal scrutiny (Majcher and Strik 2021). These highly actionable lines of research rely on cooperative networks where knowledge is shared and not owned.

Finally, fundamental research can also be used for validating truth claims in political and legal processes. For anthropologists who act as expert witnesses in asylum cases, for example, Levy has suggested mobilizing social theory to challenge the validity of state sources (Levy 2022). Because official government source from Honduras downplay danger and overstate state achievements, Honduran asylum seekers in the US struggle to have their protection claims recognized as valid. Here, Levy proposes to mobilize

⁸ For further details about evidence in *MA* and *ZR vs Cyprus*, see Kienzle and Kießling (2024).

state theory to debunk fallacious governmental sources from countries of origin, stressing in particular how the mere act of passing legislation does little in practice to protect vulnerable citizens. Using fundamental research for *transformative knowledge encounters* involves the complex work of rearticulating academic knowledge so it can meaningfully engage with or constructively transform legal and political standards of truth.

In sum, brokering truth claims requires scholars to understand, accept and navigate within the realm of professional norms and institutional constraints of actors in position of authority in legal and political processes. Understanding how truth claims come to be validated in legal and political processes is key to strategically designing interventions to broker truth claims that have a realistic potential to limit border violence and rights violations. When scholars chose to broker the validity of truth claims of survivors of human rights violations, this means neither that they approve of how facts are validated in legal and political processes, nor that they limit themselves to such knowledge production. It simply means they have mobilized their epistemic resources to identify and implement a specific knowledge strategy to be both critical and actionable.

6 Conclusion

This article asked whether and how scholars can mobilize their epistemic resources to resist migration laws and policies that put people's lives and dignity at risk. Heightened border violence, a decay of truth in the public domain and neoliberal pressures for "impact" activities that are not meaningful for people on the move lend urgency and importance to this inquiry. Using ideal types as simplified analytical constructs, the article suggested that the limited positive influence of academic knowledge in these processes stems from a dichotomy between applied research that is not critical and critical research that is not actionable for state actors in the short and medium-term. Introduced by this article, *critical and actionable migration research* seeks to overcome this dichotomy by instead elaborating constructive critique grounded in structural transformations, which can be translated into concrete actions in legal and political processes in the short and medium term.

Drawing on experiences as policy officer and research consultant at human and refugee rights organization, as well as an anthropologist at law faculties, the article argued that "impact" is nothing to be "done" once the research is completed. Instead, scholars who wish to engage in *critical and actionable migration research* should theorize and design *transformative knowledge encounters* between academics and practitioners as integral parts of the entire research process. The transformation of political and legal processes requires a flexible navigation between different types of critiques. Key here is a balancing act between taking the knowledge needs and expectations of state actors seriously, whilst simultaneously reframing assumptions in manners that are meaningful for the lives and dignity of people on the move. Brokering critique into state decision-making processes requires collaborative strategies, as well as knowledge brokers who can convert different knowledge forms between academic, legal and political domains. This is why the article's title talks about smuggling critique into impact.

The article proposes three research design principles that foster knowledge encounters with greater potential to transform state laws, policies, and practices : building innovative knowledge alliances, theorizing knowledge needs and brokering the validity of truth claims. Based on an understanding of practitioners as situated thinkers, these research design principles allow for strategic thinking across sectoral boundaries on what knowledge is relevant and likely to be accepted as valid. Reconsidering relevance and validity in knowledge alliances requires epistemic modesty and a readiness for challenging learning conversations. As scholars, we should not limit our research to what counts as relevant and valid in legal and political processes. Yet, if we want our critique to transform law, policy and state practice, then we need to understand the rules of the game, and either play by them or constructively engage to transform them.

If critically reflected on, knowledge alliances and a willingness to shift between action and inquiry not only pave the way to *critical and actionable migration research*, but also to deeper learning. *Critical and actionable migration research* offers access to otherwise inaccessible data, as well as possibilities for theorizations at a mid-range level of abstraction. *Transformative knowledge encounters* conceptually presuppose the existence of knowledge brokers, the conversion of research into different knowledge forms, as well as analytics of what is possible and how within a range of aspirations for more just futures. Attempts to feed knowledge into political and legal processes can be an avenue for both justice claims, as well as an entry point for intellectual insights into these processes.

Fundamental research beyond aspirations for impact is key for long-term transformations, and one of the core privileges of academia is precisely the freedom to develop radical critiques and utopian thinking. The political commitment of scholarship can also create blind spots for uncomfortable questions. If some migration scholars, however, choose to try and mobilize their epistemic resources to engage with justice claims in migration politics, then this requires a thorough reflection about the conditions that allow epistemic resources to support justice claims. In other words, scholars should be as reflexive and assertive about knowledge outside of academia, as they are inside of academia.

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