

# Globalised citizenship and the perceived legitimacy of immigration control: narratives and acts of resistance in immigration detention

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## Abstract

This article considers the legitimacy deficits of immigration control in the eyes of unwanted migrants. We explore the consequences of globalisation-related changes in the institution of citizenship for the perceived legitimacy and operation of immigration control. The study is based on ethnographic research and in-depth interviews in 2018 with 35 migrants in the Detention Centre Rotterdam, the Netherlands. We find that immigration detainees use both denationalised and transnational/cosmopolitan definitions of citizenship and belonging to contest the legitimacy of restrictive admission requirements and, to a lesser extent, the authority of states to stipulate and implement admission requirements. Based on these narratives, immigration detainees engage in forms of resistance that are meant to diminish the likelihood of deportation ('instrumental resistance') and in forms of resistance that are unlikely to change the outcome of the deportation procedure yet do make immigration control more costly for states ('expressive resistance'). The narratives and strategies of resistance seem correlated with length of stay: settled migrants seem more inclined to use denationalised repertoires and instrumental resistance. Our analysis confirms the need for migration scholars to pay more attention to changing social norms regarding the perceived legitimacy of immigration control for the operation and outcomes of immigration control. The results are therefore relevant for our thinking about the future of migration governance in the context of globalisation-related changes in the institution of citizenship.

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## 1. Introduction

International migration, especially illegal entry and residence, is heavily regulated in high-income countries (De Haas, Natter, and Vezzoli 2016). Within limits set by international law, states assume the sovereign authority to define the conditions under which non-citizens have access to their territories and states have developed various institutions enforcing admission policies. These regulations sometimes not only have the intended effects on migration outcomes (Leerkes, Bachmeier and Leach 2013; Czaika and De Haas 2017), but they also produce unintended effects, such as decreased return, spatial displacement to other countries, and substitution to other migration channels and modes, including irregular migration (Czaika and De Haas 2013). The unintended effects of immigration control imply that policies are only moderately effective and very inefficient.

This article focuses on an understudied yet apparently powerful force that increases the probability of such unintended outcomes of states' immigration enforcement: the *legitimacy deficits* of immigration enforcement in the eyes of migrants,<sup>1</sup> leading to different forms of resistance to comply with the obligation to return. The legitimacy deficit may also be an important factor that increases the costs of immigration governance (cf. Tyler 2003): 'hard' deportation, including detection, detention, and forced removal, is much costlier than return with the compliance of the migrant, through assisted return programmes (also called 'soft' deportation (Leerkes, Van Os and Boersma 2017)). Van Kalmthout (2007) has estimated the total costs per successful deportation from the Netherlands at €35.000<sup>2</sup>. Moreover, 'hard' deportation often fails when a migrant's national identity cannot be established and, or the country of origin does not collaborate with readmission.

Previous studies show the existence of legitimacy deficits and the effect on migrants' behaviour. Moreover, there is evidence that legitimacy deficits are increasing as a result of globalisation-related changes in the institution of citizenship: inhabitants of countries in the Global South increasingly consider themselves world citizens (Pichler 2012), which fuels questions about the legitimacy of restrictive immigration laws and can influence their migration decisions. Ryo (2013) shows for instance that critical assessments by Mexicans concerning the right of the US government to control immigration predict intentions to cross the US–Mexican border without government consent. Similarly, Leerkes and Kox (2017), Bosworth (2014), and Campesi (2015) show that most migrants who are being detained with a view to deportation in the Netherlands, the UK and Italy, respectively, are critical of the legitimacy of admission requirements, and, or the use of immigration detention to enforce these requirements. Such perceptions also tend to promote forms of resistance against deportation. In all these cases, formal rules seem to find weak justification in terms of accepted cultural beliefs about the ends or means of

government, or the proper source of political authority, thus meeting Beetham's (1991: 149) definition of a legitimacy deficit, leading to different forms of resistance.

This article aims to contribute to a better understanding of such legitimacy deficits in the eyes of migrants, focusing on migrants who are detained with a view to deportation because they do not or no longer meet legal admission requirements. It analyses the narratives that such migrants use to contest the legitimacy of and their strategies to resist immigration enforcement. We then examine how these narratives and strategies are informed by the *cultural repertoires* (Swidler 1986) on citizenship and belonging that are available to them, which are presumably reconfigured by globalisation. We ask: how do migrants who are being detained with a view to deportation contest the legitimacy of their deportability and detention, and what is the relationship between their narratives and their strategies of resistance against immigration control?

The study is based on ethnographic research and in-depth interviews in 2018 with 35 migrants in the pre-expulsion Immigration Detention Centre Rotterdam, which is managed by the Dutch Custodial Institutions Agency (DJI)<sup>3</sup>. In our view, pre-expulsion immigration detention centres are strategic sites for our research aim and question: as immigration detention is seen as a measure of last resort in immigration enforcement in the European Union regulations, most immigration detainees will have rejected the less coerced forms of return. They can be expected to be more critical of immigration laws and procedures than migrants complying with return in earlier stages. While immigration detainees' stories and actions are certainly not representatives of the wider population of undocumented migrants, they can be expected to reflect globalisation-related changes in opinions about citizenship and belonging in an amplified way.

With our analysis, we aim in the first place to contribute to a better understanding of migrants' changing perception of the legitimacy of state immigration control, and their relation to forms of resistance. We contend that (1) insofar migration behaviour is informed by state policies, this is not only because of their effects on the 'costs' of migration, as canonical migration theories assume,<sup>4</sup> but also because of migrants' assessment of the (in)appropriateness of immigration control: the effect of the legitimacy deficit is that it puts pressure on both the effectiveness and efficiency of immigration control; (2) the emergence of globalised definitions of citizenship and belonging facilitates this resistance as it enables migrants to present themselves as acting in accordance with social norms; (3) nevertheless, our research also suggests a persistent hierarchy in these definitions, in which national citizenship is still the point of reference: with longer duration of settlement, migrants are inclined to prefer denationalised repertoires of citizenship and belonging over transnational/globalised repertoires.

Our analysis builds on previous research in immigration detention published in the fields of border criminology (e.g. Bosworth 2013, 2014; Campesi 2015; Turnbull 2016), sociology (e.g. Lietaert, Broekaert and Derluyn 2015; Leerkes and Kox 2017), politics (e.g. Hall 2012), etc. These studies show how immigration detainees tend to take issue with the *content* of admission regulations: detainees tend to claim a right to non-deportability by engaging in various 'acts of citizenship and belonging', such as by arguing that they are 'hard workers', 'good family members', etc. (Bosworth 2014; Campesi 2015; Lietaert, Broekaert and Derluyn 2015; Leerkes and Kox 2017). We also know that immigration detainees have difficulty accepting immigration detention and deportation as legitimate

procedures to enforce admission requirements, especially when the detention is carried out under prison-like (Hall 2012; Bosworth 2013; Leerkes and Kox 2017; Canning 2019b) or worse-than-prison-like conditions (Campegi 2015). We take a step further by analysing the cultural sources and the implications of different legitimacy deficits for acts of resistance during immigration detention, developing a typology of resistance during the immigration detention and deportation procedures.

## 2. Legitimacy deficits, globalisation, and strategies of resistance

### 2.1 Legitimacy

While legitimacy can be discussed as a legal or normative-philosophical concept, we are here interested in the way an individual discusses and acts upon an order to leave the country. Hence, we are looking at *perceived* legitimacy as an empirical, sociological concept, which is nonetheless tied to legal and normative frameworks. The perceived legitimacy of a certain practise or policy will be grounded in individuals' socially constructed beliefs regarding the justifiability of forms of power, and may exist regardless of their (limited) effects on the realities of power (Thomas 2013). In the context of our study, perceived legitimacy may relate to three types of legitimacy and dimensions of immigration control: (1) outcome legitimacy: one's non-admissibility and deportability based on the state's admission requirements ('I (can't) accept that I have no right to stay here'), (2) procedural legitimacy: the procedures through which one's immigration status has been determined and is enforced (e.g. 'I (don't) agree that I am being detained for this'), and (3) institutional legitimacy: the perceived authority of a state to define and enforce one's immigration status within limits set by international law ('I (don't) think that the state has the right to decide over this').

In order to assess the (il)legitimacy of these dimensions of immigration control, and when developing narratives and strategies of action in the situation, individuals rely on the toolkit of beliefs, habits, skills, and styles that are culturally available and accessible to them. Cultural sociologists introduced the concept of 'cultural repertoires' to emphasise that actors are not driven by culture in a mechanical way but have a considerable degree of agency in picking and choosing from this 'toolkit' to construct their narratives and lines of action. Actors' knowledge of and familiarisation with such repertoires both enable and constrain their agency (Swidler 1986), as different narratives have different measures of *symbolic capital* (Bourdieu 1986).

The cultural toolkit or repertoires to assess the legitimacy of immigration control can be expected to be loaded by migrants' legal consciousness (Halliday and Morgan 2013): individuals who see the law as the basis for society may feel an obligation to comply with an order to leave when they perceive the immigration procedure as legally sound and valid, and may resist such an order to leave when they feel that it is at odds with general legal principles and, or the rule of law. For example, the use of immigration detention for non-criminals may lead to resistance as it contradicts people's beliefs that detention is only for criminals (Kanström 2010). This contradiction is highlighted when detention

centres are organised in a prison-like manner (Hall 2012; Bosworth 2013; Leerkes and Kox 2017; Canning 2019b). Moreover, resistance may be based on individuals' assessment of the normative political framework on which immigration laws are based, such as the sovereignty of states to control migration and different understandings of citizenship and belonging, which we discuss in Section 2.2.

## 2.2 Globalised citizenship and belonging

Globalisation and international migration have changed both the formal and informal aspects of the institution of citizenship. First, the definition of what it means to be a member of a national society has formally changed: as a result of efforts by states to accommodate increased ethnic and cultural diversity (Jacobson 1997), national citizenship has become more *denationalised*, meaning that different forms of (partial) membership in the national society, such as social and political rights, have become possible for non-nationals (Joppke 1999; Bosniak 2000; Sassen 2002). Today's membership in the state is less strongly based on one's parental descent and depends more on adherence to national laws and (other) ways of showing 'good citizenship' and belonging. Second, there has been a more informal move towards forms of membership beyond the confines of the nation-state. People increasingly see themselves as 'world citizens'<sup>5</sup> (Pichler 2012), implying a form of *transnational or cosmopolitan citizenship and belonging*, and claim rights on the basis of that perceived membership (Soysal 1994; Sassen 2006).

These globalisation-related changes in the meaning of citizenship and belonging—including in the eyes of people subject to immigration control—may facilitate the contestation of the legitimacy of immigration control, especially the content of admission criteria and the perceived authority of states to stipulate and enforce them. On the one hand, the increasingly accepted and formalised forms of denationalised citizenship and belonging make it easier to resist one's deportability on the basis of a perceived membership in the national society, based on work experience, family ties, language acquisition, adoption of national laws, and customs. On the other hand, the more informal movement that claims transnational or cosmopolitan forms of citizenship and belonging will similarly facilitate a claim to a right to stay, even without having to demonstrate one's 'good' membership in a foreign society: the concept of a transnational or cosmopolitan identity blurs the distinction between 'foreigners' and 'nationals', thus making the exclusion to rights and life chances of the former and privileged access of the latter less self-evident.

## 2.3 Strategies of resistance

As a rule, actors will try to develop a strategy of action that is consistent with their beliefs. This means that a migrant's critical assessments of the legitimacy of immigration control will contribute to their resistance against it. Different forms of non-compliance can even be considered an important element of contesting the legitimacy of power, not just its behavioural consequence (cf. Beetham 1991).

Despite the clear link between beliefs and action, there are two main reasons why actors' strategies cannot simply be reduced to their perception of the legitimacy of immigration control. First, when developing a strategy of action, people will also use additional

cultural repertoires, such as cultural scripts on appropriate and effective ways of showing discontent. Next to overt ways of resistance such as starting a legal procedure or a hunger strike, migrants can decide to resist in covert, ‘backstage’ ways (Scott 2009), so as to reduce the risk of punishment. As Scott (2009: 184) describes, ‘each realm of open resistance to domination is shadowed by an infrapolitical twin sister who aims at the same strategic goals but whose low profile is better adapted to resisting an opponent who could probably win any open confrontation.’ Secretly destroying identification papers, for instance, is considered a means to obstruct deportation, as identification is crucial for readmission to countries of origin (Broeders and Engbersen 2007; Ellermann 2010). Second, actions are always constrained by individuals’ capacities and structural opportunities. The means for migrants to insert their voice in the public debate are for instance limited when they are detained in a detention centre hidden from the public view, although this does not keep them from searching ways to express political complaints during their detention (Fiske 2016).

In the analysis, we, therefore, distinguish instrumental from more expressive dimensions of immigration resistance. In this context, instrumental resistance is primarily a means to prevent deportation either through obtaining a residence permit or through obstructing the deportation process. Expressive resistance is primarily a way of showing discontent about the end or means of government, regardless of its eventual effects on the outcome of the detention procedure. Evidently, behaviour may have instrumental and expressive aspects, and some forms of resistance may actually be instrumental *because* of their expressive aspects, such as when relevant actors (caseworkers, judges, embassy personnel, Ministers of State) are emotionally pressured, either directly or more indirectly (i.e. via public opinion), into discontinuing a deportation procedure (cf. Hynes 2013) on ‘affective resistance’; Fiske (2016) on hunger strikes and self-harm as ‘profoundly political acts’).

### 3. Methodology

Empirical research was carried out at the Immigration Detention Centre of Rotterdam, a facility of the Dutch Custodial Institutions Agency, by Breuls and Slipper. The detention centre holds immigrants who do not have the legal right to reside in the Netherlands and have therefore received an order to leave the country, either because they are irregular migrants, rejected asylum seekers, or legal migrants who lost their papers after having been convicted of a serious crime. The analysis relies on two main sources of qualitative research data: (1) semi-structured and in-depth interviews, and (2) (ethnographic) field observations. This qualitative approach was appropriate to yield information on the subjects’ own perspectives and lived experiences (see Lee 1995; Woods 2011).

Breuls conducted, as part of his PhD research, 270 hours of ethnographic fieldwork at the detention centre in the period October 2017–January 2018. He triangulated observations, informal conversations and semi-structured interviews with detained persons. Extensive field notes were made throughout the fieldwork and 21 semi-structured interviews were conducted in three languages: Dutch, French, and English. All interviews were recorded after obtaining informed consent. As the PhD research has broader objectives

than the sole focus of this article, all research material was reanalysed with the specific focus of this article in mind. Dutch and French material included in this article (field notes or interview quotes) was translated into English, keeping as close as possible to the original meaning of the words and expressions used.

Slipper conducted a one-week period of fieldwork in the same detention centre in June 2018 as part of a master's programme in sociology, during which she conducted 14 semi-structured interviews with detained persons. As the researcher is a native English speaker, a (self-)selection took place based on English-language conversation skills. Each participant was asked for their permission to record the interview after obtaining informed consent, to which all but one agreed.

For both fieldwork periods, access was obtained through the Custodial Institutions Agency. Both researchers used similar approaches. The first days were spent 'hanging out' on the wings of the facility. Similar to the experiences of [Browne and McBride \(2015\)](#) and [Bosworth \(2014\)](#), it turned out that 'hanging out' is extremely important in these highly charged environments, especially at the beginning when we were just trying to be visible on the wing or participating in recreational activities. In informal conversations with detainees passing by or when sitting in conversation groups, both researchers explained that they were conducting research to explore how migrants view detention and return. About 60 people were approached for an interview, of whom 35 agreed. If detained persons were interested in taking part, an interview date and time was arranged. The most frequently mentioned reasons not to partake in a semi-structured interview were not being in the mood for an interview (5), language barriers (5), worries that participating would negatively influence the immigration case, despite our emphasis on the anonymity and confidentiality of the interviews and the independent position of the researcher (3), and not seeing a point in being interviewed ('research won't change anything') (2). Others did not explicitly state a reason for non-participation.

Before starting an interview, which was held in private meeting rooms in the centre, the researcher discussed the anonymity, confidentiality, and academic research purpose of the interviews. Respondents were also informed that they could refuse questions or discontinue the interview at any moment, especially since the topics to be discussed were potentially sensitive and could cause emotional distress (cf. [Lee 1995](#)). The length of the interviews varied between 19 minutes and two and a half hours.

Interviewing immigration detainees came with a number of practical and ethical challenges. First, immigration detainees often have to deal with a range of actors, such as authorities and lawyers, who come to speak to them in similar settings, sometimes asking similar questions. Together with the interview setting (the meeting room of the detention centre with security guards outside), this inevitably placed the interviewee and the interviewer in an existing unequal power frame. Although we clearly presented ourselves as independent researchers, assuring participants that answers would be treated confidentially and would not affect participants' situations in any way, this setting is likely to have affected the narratives ([Elwood and Martin 2000](#)). For example, it sometimes became clear that participants did not want to fully disclose their strategies of resistance, presumably due to assumptions or uncertainty on the role of the researcher in the detention centre or the government.

Despite these limitations, participants generally engaged in developed and fruitful conversation, and once it had become clear that the researchers were students and not government employees responsible for immigration control, it appeared that they were comfortable and eager to tell their stories. Although emotional discomfort was apparent on several occasions, the participants assured the researchers at the time that this distress was not due to interviewing, and that they were comfortable to continue with the interview. Sometimes the participants discussed how telling their stories was cathartic for them, and others discussed how they enjoyed the opportunity to do something different with their day, as life in detention is very much a set routine.

The positionality of the researchers may have affected the narratives of the participants in several ways. First, we experienced that being foreign nationals ourselves (Breuls being 'an immigrant' from Belgium and Slipper being 'an immigrant' from the UK) was helpful in building rapport. The shared experience of being an outsider in the Netherlands, especially when sharing a common language, may have meant that our participants felt comfortable and freer to talk about their perceptions of procedures and outcomes in the Netherlands, rather than to a Dutch researcher.<sup>6</sup> On the contrary, for Slipper, being female and in her early 20s seemed to lead the (male and often middle-aged) participants into mild self-censorship about violent topics.

Each recorded interview was transcribed to enable close analysis (Woods 2011: 180). Interview transcripts and field notes were coded thematically and compared to identify patterns, with a specific focus on narratives of citizenship and belonging and strategies of resistance. Length of stay came forward from the analysis as an important variable, as will be discussed below. All names used throughout this article are pseudonyms.

## 4. Findings

A summary of the characteristics of the interviewed participants is presented in [Table 1](#). Our caseload shows an even distribution of short-, mid-, and long-term residence in the Netherlands. For most short-term and long-term migrants, this was their first or second time in a detention centre, while many mid-term migrants had more experience in detention. All three categories of immigrant detainees are represented in our caseload: while most migrants in the short-term or mid-term groups were irregular migrants or rejected asylum seekers who came to the Netherlands as adults, nine long-term migrants had legally migrated to the Netherlands as a child and had lived in the Netherlands for most of their lives; many in this group had lost their (permanent) residence status following criminal charges. While detention is a measure of last resort for asylum seekers who do not otherwise cooperate with return, it is standard procedure for irregular migrants and those convicted of a crime. The range of countries of origin and age range is very broad across the three groups, although the mean age understandably increases with length of stay.

Almost all interviewees perceived their order to leave and their detention as illegitimate, but there was a lot of variation in why and how they contested this. We discuss the findings in three sections: (1) the narratives of contested legitimacy, (2) the strategies of



**Table 1.** Summary of characteristics of interviewed participants

No. of cases	Years in NL	No. of times in detention	Age	Grounds for deportability			Countries of Origin
				Irregular migrant	Rejected asylum seeker	Criminal charges	
12	0–5 <i>Mean: 2.6</i>	1–4 <i>Mean: 1.7</i>	21–58 <i>Mean: 32.1</i>	7	3	1	Albania, Ghana, Latvia, Liberia, Morocco, Palestine, Senegal, Sierra Leone, Somalia, Turkey, Undisclosed African country
11	6–15 <i>Mean: 11.5</i>	1–8 <i>Mean: 3.5</i>	25–60 <i>Mean: 37.8</i>	7	4	0	Ghana, Iraq, Mongolia, Morocco, Nigeria, Uganda
12	16–44 <i>Mean: 26</i>	1–5 <i>Mean: 2.3</i>	32–50 <i>Mean: 39.7</i>	2	2	8	Algeria, Bosnia-Herzegovina, DR Congo, India, Morocco, Poland, Sierra Leone, Suriname
35	0–44	1–8	21–60	16	9	9	

resistance, and (3) the possible explanations for the relationships between narratives and strategies of action.

#### 4.1 Narratives of contested legitimacy

Distinctive narratives used by our participants to contest the legitimacy of their detention and deportation related to perceived *inconsistencies in the rule of law* and perceived *inconsistencies between immigration control and migrants' definitions of citizenship and belonging*.

First, almost all migrants viewed their detention and deportation as illegitimate because they felt it was inconsistent with the rule of law. In the Netherlands, illegal stay falls under administrative law, and detention is formally an administrative measure to prevent deportable migrants from absconding. Nevertheless, many participants interpreted detention and deportation as punitive sanctions for criminal acts, which to nearly all of them became a source of confusion and contestation. Answering the first interview question, 'How do you find it here?', Kobi, who was being detained for the first time and for seven months at the time of interviewing, said:

Yeah it is hard, because I don't know the reason why they are still keeping me here.

And I did nothing wrong, that is one question that I will always have. Like, why do they arrest somebody? They say I am illegal and that is why they are putting me in this prison, okay and that is fine – except I did nothing wrong! (Kobi, undisclosed African country)

Along with the interpretation of detention and deportation as punishment for criminal and illegal acts comes a normative interpretation of who should and should not be subject to such perceived punitive measures. Hence, a recurring theme in our participants' narratives was the distinction between 'bad', 'criminal', or 'illegal' people, deserving of detention and deportation, versus 'good', 'productive', or 'ordinary' people, who had committed no criminal offences, deserving to be allowed into the country. Participants who lost their residence permit after a criminal offence leading to a prison sentence made a similar distinction: they emphasised that they only committed minor criminal offences, that they were no 'real criminals' and, based on this distinction, they questioned the proportionality of the decision to revoke their residence permit:

I just [lived] here my whole life. . . but the IND [Migration Department] just holds on to the criminal things. But then you should come up with something specific, something good, something big. You don't see that on my criminal record. (Ivan, Bosnia-Herzegovina)

Most participants gave similar accounts where they felt that detention and deportation were disproportional and, or inappropriate and therefore inconsistent with the rule of law, which became an important ground to contest the legitimacy of these measures. Only three participants did perceive their detention as legitimate, or at least as beneficial for their health or their life. John referred to the detention centre as a sort of sanctuary: 'Look, life in the Netherlands without papers is not difficult because you have these detentions that take care of you.' (John, Nigeria). Roy, who said that he had lived a life of crime,

which had led to the loss of his permanent residence status, was relieved to be taken out of his criminal lifestyle and said about his detention: 'Yeah, I accept it, and I like it—I find peace within myself.' (Roy, Suriname).

The narratives on inconsistencies between immigration control and migrants' understandings of citizenship and belonging were more diverse. Twenty participants, who had all stayed in the Netherlands for more than five years, and often much longer, discussed their sense of belonging and ties to the Netherlands as valid grounds for inclusion. Their mid- to long-term residence in the Netherlands meant they had developed various ties with Dutch communities and had experienced parts of socio-economic and cultural life in these communities as if they had been citizens of the country, despite being, or becoming, undocumented. This experience of belonging to a citizenry despite not having formal citizenship of that state can be considered as a form of denationalised citizenship and belonging, which these migrants used to contest the legitimacy of the order to leave and support a claim to stay.

A strong example of a claim to stay based on denationalised citizenship and belonging was that almost every interviewed parent with (young) children in the Netherlands contested the legitimacy of the order to leave based on their Dutch family life, which made staying in the Netherlands a necessity. They claimed that if they were deported, they would reimmigrate in spite of an entry ban because of this necessity and feeling of belonging. Samuel, for instance, said he felt 'trapped' in the Netherlands because it is where his children live, and he repeatedly claimed that he needed to stay with them:

I am 18 years in the Netherlands. And I know that when one door is closed, you can open another one, but I already trapped myself here. I made three beautiful children, healthy children, smart children! [...] So, somebody wants to take it away from me? It is difficult to give it up. (Samuel, Sierra Leone)

Roy, in spite of accepting the legitimacy of his detention as imprisonment because of his criminal past, did contest the legitimacy of his order to leave. He also believed that he would not be deported but would eventually be granted a legal status again. In the meantime, having lived in the Netherlands since the age of four, and having a family with children, he expected that becoming an irregular immigrant would be a minor detail in his life. He said: 'When they took my paper, what actually changed? Not a lot. I had the same life as when I had the papers.' (Roy, Suriname). His claim to stay was a denationalised form of citizenship as he argued that formal citizenship is not a prerequisite for actual social membership in the Netherlands.

Whilst the majority of participants contested deportation based on such *denationalised* claims of citizenship and belonging to the Netherlands, associated to their long-time residence, 13 of our participants discussed their sense of belonging and perceived right to stay based on more *transnational* or *cosmopolitan* grounds for inclusion. They questioned the nation-state as the main unit of belonging and distributor of rights. Within this group, we could distinguish moderate versus more radical interpretations of citizenship and belonging and the perceived right to immigrate: moderate interpretations questioned the unequal grounds on which existing laws regulating immigration are based. Radical interpretations, on the contrary, denounced the authority of states to regulate

immigration altogether, claiming a sense of world citizenship and an unconditional right to mobility.

An example of a moderate transnational or cosmopolitan repertoire is given by Mamadou. Mamadou discussed European countries' reluctance to give up their former dominant power position as colonial powers, which includes the power to decide who can live where. He continued:

[...] here (in Europe) we are not one. But the world has changed, we are a new generation. You can go to Africa and you will see China people, you can go to China and you will see Africa people, we can see everything you know? The world is one. White people – they don't like to change their mentality and that's why this happens [referring to detention]. (Mamadou, DR Congo)

Mamadou claimed the right to legally reside in Europe by arguing that the former hierarchy between states no longer existed: if Europeans can go to Africa, Africans should be able to go to Europe.

Kobi also linked his exclusion from European territory to Europe's colonial past. He discussed how detention and deportation target black people, which he perceived as a racist legacy of colonial times, and is at the same time contradictory to its evangelistic elements:

Here, they don't free black people. White man is scared of black man, and I don't know the reason. It is in the bible that you are supposed to work before you can live. But what I never understand is you people bring us that bible and we are following that thing – but they don't want us to work! If you catch us working, then we are illegal! (Kobi, undisclosed African country)

Other examples of moderate transnational or cosmopolitan views include the notion that citizenship should be granted based on the security situation in the country of origin (Paul, Senegal) or their medical condition (Mimoun, Morocco). While these 'moderate' views contested the criteria for citizenship and claimed equality for people of all nations, at least four participants held more radical transnational or cosmopolitan views as they perceived states as not, or no longer, having the legitimate authority to grant or deny rights such as residence or citizenship. For example, Markus discussed:

Actually... in my mind countries are wrong, you know – I'm a human being, you're a human being – I'm from one place and you're from elsewhere, I have Russian roots, but are we really different? Not so much, maybe the way we are raised, our schools put ideas inside our head. That's the only difference. (Markus, Latvia)

Markus not only expressed radical transnational or cosmopolitan ideas, but he also embodied them: he explained how he had hitchhiked to the Netherlands, that he found travelling with an entry ban 'exciting' and how his deportation was like a 'free trip home'. He did not believe the Netherlands had the right to detain and deport him nor anyone else and belittled the system by continuing to break the rules of his entry ban.

The narratives cited above illustrate that most of the participants were trying to change the meaning of citizenship and belonging, either by stretching the grounds for inclusion,

or by cracking the system of nation-states. Their narratives and claims to belonging and citizenship are strongly individualised, yet we can distinguish certain tendencies in how these narratives are constructed, related to time spent and experiences in the host country. Short-stay participants and those who were detained for the first time, often made generic, macro-level transnational, or cosmopolitan claims by contesting either the inequality in the established admission requirements, or by rejecting the sovereignty and legitimacy of states altogether. By contrast, participants with a long stay in the Netherlands often expressed individualised, micro-level claims of denationalised citizenship that left existing institutional structures largely intact; these migrants generally accepted the right of national states to control migration and more or less acknowledged the validity of existing admission criteria, but they felt that their specific situation or ties to the Netherlands exempted them from the regular grounds for deportation.

## 4.2 Strategies of resistance

The above-described narratives of contested legitimacy contributed to strategies of action to resist the order to leave (see Table 2). As a general pattern, we observed a distinction between resistance that was overtly expressed to the authorities (overt resistance) and resistance that was either not displayed at all or only among immigration detainees (covert resistance). Additionally, we observed a distinction between forms of resistance that were used in pursuit of tangible outcomes (Fiske 2016), that is, in view of influencing the outcome of the detention period (instrumental resistance) versus resistance that was primarily aimed at expressing discontent, possibly affecting the emotions of those exerting coercion over the respondents (expressive resistance).

Expressive resistance is not necessarily ‘ineffective’: these forms of resistance are important ways of experiencing one’s agency (Fiske 2016) and outside of detention, such forms of resistance do sometimes lead to the state cancelling an intended deportation procedure, for example, when the imminent deportation of undocumented children stirs up public protest. However, expressive resistance among immigration detainees is unlikely to change the outcome of the deportation procedure in their favour. On the contrary, expressive and overt resistance is likely to prolong the detention period on the grounds of insufficient cooperation with the expulsion or to lead to increased disciplinary measures,

**Table 2.** Preliminary typology of acts of resistance by aim and overtness

	Covert	Overt
Instrumental	Quasi-compliance Identity non-disclosure	Legal appeals and formal complaints (Hunger strike)
Expressive	–	Moral shaming/post-detention activism Hunger strike
Retreat	–	Endurance Numbness

such as the use of an isolation cell. While expressive resistance was mostly overt,<sup>7</sup> instrumental resistance could be covert or overt. While there were institutionalised forms of resistance available, such as legal appeals and formal complaints or creative or religious expression, emphasis in the interviews lay on their informal strategies, especially given that legal appeals were considered ineffective and redundant by most participants based on previous experiences.

Covert and instrumental resistance often took the form of quasi-compliance with the return procedure; this rarely indicated a wish to return but reflected a knowledge of the migration enforcement system, covering up a more complex strategy of resistance. A case in point was Sono, who had been detained four times, after 10 years of living irregularly in the Netherlands.

They tell you how you can help them to send you back. You need to give them information. I need to play along with them. It's a kind of game. When they've got you, they won't spare you, so don't let them get you. She [the caseworker] is in touch with the embassy, and she said that the ambassador said that I need to deliver documents. I told her that I will try to arrange for the papers. (Sono, Ghana)

The narrative of 'playing along' was shared with a large proportion of participants who had been living in the Netherlands for a longer period of time and/or who had been detained multiple times. Through experience and information from peers, they learned about the bottlenecks of the deportation regime, such as that many embassies will not collaborate with return without valid proof of identity, especially when return is forced, and also that detention can be extended in the case of non-compliance with the return procedures. Quasi-compliant strategies of action were adopted by migrants who cannot easily be deported, as they learned that this leads to the quickest release from detention. Mimoun, during his second time in detention, appears to be a fast learner in this respect:

The first time I didn't know the detention centre. I had some fear, some stress that I would return to Morocco. Then when I talked to people, I heard that I wouldn't return to Morocco. This time at the police station, I was calculating: today is [date]. Immediately I counted in my head: I'll be free in April. You see? No stress. I know what's going to happen. (Mimoun, Morocco)

In comparison to the weighed, restrained accounts of the quasi-compliers, accounts of more overtly non-compliant instrumental strategies also tended to be more expressive and emotional. Although the interview setting within the detention centre is likely to have kept many participants from fully disclosing their strategies to the researchers, non-compliance was openly discussed in three of our participants' narratives. A commonly known strategy to resist deportation is portrayed by Kobi who chose to remain completely silent about his place of origin. He discussed how he had learned to use this strategy after a policeman informed him that a possible deportation would need to be based on information about his place of origin. He chose not to disclose his place of origin after this point and did so quite overtly (rather than providing the authorities with false information). He discussed how he had also chosen not to contact his relatives as it might reveal his country of origin:

No, no, because if I call home they will take me straight there. My family, they don't know if I am dead, it's been seven months and they don't know where I am. (Kobi, undisclosed African country)

An example of overt and expressive strategies of resistance comes from Abdullah. He emphasised that he comes from a high socio-economic status background and that he came for security and not for economic resources, thereby contesting the implicit suggestion in his rejected asylum claim. He expressed his anger with regard to this rejection and his treatment in the removal procedure:

The fairest thing for when I get out, I want to make a problem. I want to speak my story. I want to... The Netherlands people... they have to say, 'Okay I am sorry'. I need them to say, 'I am sorry'." [...] "You can see my story later on television; believe me, believe me, I want to make for them fadeehah. (fadeehah in Arabic means to disgrace; Abdullah, Palestine)

The narrative of Abdullah revealed that he feels disrespected by the system, and his response is an attempt to restore his own honour by discrediting the system through what Fiske (2016) termed 'post-detention activism'. Although his response is driven by anger, there is still a level of restrained calculation in it, as he is choosing to 'make a problem' once he is released so that his actions do not affect his case whilst in detention. Last, the most emotional variety of expressive resistance is found in the narrative of Ebo, who discussed his despair caused by the process and the detrimental effects it was having on his previously diagnosed mental health issues. He said:

So, I planned not to eat and die in their hands. . . But, it is one lawyer who talks with me and says 'No, if you do that it will not help you because still you are in their hands – and if you say you are going on hunger strike even the judge who can stand with you, but when he sees you being angry? So, eat!' (Ebo, Ghana)

Ebo told the researcher how he had planned to go on hunger strike to make the authorities realise he is being wrongly treated or to shame them by dying whilst in their care. However, he changed his mind after his lawyer advised him that a hunger strike will be judged as intentionally obstructing the return process and may therefore lead to prolonged detention, rather than release (even if there have been cases in the Netherlands where detainees were released after a hunger strike). In addition to being an expression of despair, we can therefore identify an instrumental intent in the choice whether or not to go on hunger strike, albeit with highly unpredictable outcome.

Alongside these accounts of strategies of resistance, various participants discussed moments where purposeful action was overshadowed by feelings of despair and mental stress, particularly in the case of extensive periods of living undocumented lives and being detained, which was a recurring theme in their narratives. We suspect that there is a point in the lives of undocumented migrants where they are no longer actively resisting but rather enduring the migration enforcement regime and the associated degradations (Canning 2019a) and forms of 'active neglect' (Loughnan 2019) by the state. For example,

Kai, who had been living in the Netherlands for 17 years after arriving at the age of 17, and having been detained five times, said:

I went to OBS [isolation cell] in the past many times. OBS is just four walls. What's hard [about that]? You become used to it, it's OK. (Kai, Sierra Leone)

Endurance could also result in numbness, which was shown the most by Ibrahim (Uganda, 14 years in NL) who was emotional and quiet throughout the interview and when asked about his strategies of action responded with: 'I have no choice, I have no choice.' He ended the interview by saying 'Give us freedom.' Wasif (Morocco, 25 years in NL) said: 'I don't have any more hope in life. Not that I want to hurt myself. But I just gave up hope.' These participants appeared overcome by their long experience of being undocumented and having limited opportunities to escape 'the funnel of expulsion' (Johansen 2013) in which they are stuck (Turnbull 2016). This led to mental health issues and destroyed their will to resist.

### 4.3 Possible explanations for the observed patterns

Despite the strongly individualised narratives discussed above, we can identify a relationship between the narratives that contest the legitimacy of detention and deportation on one hand and strategies of resistance on the other, which is summarised in Table 3: participants who criticised the state's intention to deport them based on their social and economic (but not legal) ties to the Netherlands (denationalised citizenship) often engaged in covert and instrumental types of resistance. Participants who portrayed transnational or cosmopolitan narratives, either moderate forms that question the hierarchy in states'

**Table 3.** Dimensions, type of resistance, and migrant characteristics per narrative of contested legitimacy

Narrative	Contested dimension(s)	Types of resistance	Migrant characteristics
Denationalised citizenship	Definition of right to stay and deportability	Covert and instrumental	Mid- to long-term migrants and/or detained multiple times
Transnational or cosmopolitan citizenship		Overt and expressive	Short-term migrants and/or detained few times
Moderate	Definition of citizenship is too narrow		
Radical	Fundamental delegitimisation of admission policies and state authority		



authority to decide over foreign nationals' rights to move and settle elsewhere or more radical forms that denounce the authority of states and the existence of borders altogether, rather engaged in overt and expressive forms of resistance. Moreover, denationalised narratives combined with covert and instrumental strategies tended to be used by mid- to long-stay migrants who had more experience in detention, while transnational or cosmopolitan narratives with more overt and expressive strategies were more likely to be expressed by short-term migrants who had little experience in detention.

How can we explain that the 'transnationalists/cosmopolitans' were more inclined to consider expressive resistance and the 'denationalists' chose more instrumental forms of resistance? The data suggest two different explanations for this pattern. First, the repertoires on citizenship and belonging may have a direct effect on the strategies of action; resisting in a covert or at least restrained manner was consistent with the denationalists' narratives of being deserving, even exemplary citizens of the Netherlands, and with a level of acceptance of the authority of the (Dutch) state and its procedures, while the defiance of such authority by the transnationalists/cosmopolitanists led them to resist more overtly and passionately.

Secondly, it seems that duration of residence and experience with the migration enforcement regime enriched participants' *cultural repertoires*, the toolkit of beliefs, habits, skills, and styles that were available to them to construct both the narratives and the strategies of resistance. Longer duration of (irregular) stay in the Netherlands, which often included previous detention periods, had given the long-stayers privileged access and familiarisation with the migration enforcement regime, and they had learned about the best ways to 'beat the system'. Similarly, these long-stayers learned that denationalised claims are more effective within the existing structures (e.g. judicial procedures in which the right to family life is considered) than the transnational/cosmopolitan repertoire. Conversely, new arrivals, with less knowledge of the system, showed more expressive forms of resistance out of frustration, a pattern that is also recognised by one of the participants:

Anyone who comes here is angry. I'm not talking about the 'anciens' [long-stayers], they know it already. There are persons who have been 'illegal' for seven years, eight years. (Hamid, Morocco)

These findings show that the different repertoires that are culturally available to contest the legitimacy of one's deportability are clearly *stratified*, meaning that different narratives have different measures of *symbolic capital* (Bourdieu 1986). As Swidler (1986: 273) puts it: 'Structural opportunities for action determine which among competing ideologies survive in the long run.'

It is important to note that narratives and strategies of resistance are not static and that their 'availability' also depends on (changing) structural conditions. For example, Ivan (Bosnia-Herzegovina) described in his interview how he used quasi-compliance as a strategy, for instance, by emphasising to the migration officer that he wants to cooperate but that he was unable to hand over any proofs of his nationality. The Bosnian embassy, however, delivered a travel document. At that moment, instrumental resistance became useless and the researcher could observe how Ivan resorted to expressive resistance, for

instance, by publicly insulting his migration officer. Detainees who experience a lack of (actual or perceived) control over their situation and migration case are more inclined to express feelings of despair through expressive forms of resistance, which may lead to numbness and passivity as time passes.

## 5. Conclusion and discussion

Despite an increased enforcement of immigration control in high-income countries, policies tend to be heavily resisted and therefore moderately effective and very (cost-)inefficient. This article has considered the role of *legitimacy deficits* of immigration control in the eyes of unwanted migrants, leading to resistance to comply with immigration enforcement. More specifically, we explored the consequences of globalisation-related changes in the institution of citizenship for the perceived legitimacy and operation of immigration control, taking a Dutch immigration detention centre as a strategic site.

We find, first, that the migration decisions of our participants are not only regulated by state policies raising the ‘costs’ of migration, as canonical migration theories assume, but also depend on migrants’ assessment of the (in)appropriateness of immigration control. A perceived legitimacy deficit leads to resistance to comply with migration enforcement. The effect of this perceived legitimacy deficit and associated resistance is that it puts pressure on both the effectiveness and efficiency of immigration control. In the criminal justice literature, the claim has been made that perceived procedural legitimacy (whether one feels treated in a fair and just way during the procedure) is more influential than perceived outcome legitimacy (whether one agrees with the final verdict) in explaining compliance with the law (Tyler 2003). However, the available studies on immigration control (e.g. Bosworth 2013, 2014; Lietaert, Broekaert and Deluyn 2015; Campesi 2015; Leerkes and Kox 2017), including this study, contradict that claim: while the respondents certainly saw coercive immigration enforcement procedures such as detention as disproportional and unjust, their resistance seems to be mostly contesting the *content* of admission requirements of who is eligible for legal residence and who is not, and the authority of states to decide over this. This means that while several formal procedures to channel procedural discontent were available—both legal immigration procedures and opportunities to file complaints to the detention centre—a fundamental challenge for immigration enforcement regimes is that migrants, like most humans, will be less likely to comply with the law if they disagree with the contents of the law and do not take the institutional authority of a state for granted. Even if deportation is ‘successful’, such contested legitimacy may foster a motivation to re-emigrate (Könönen 2019).

Secondly, while people may always have resisted state restrictions on mobility and social membership if it stands in the way of important life aspirations such as security, improved livelihood or family ties, the emergence of globalised definitions of citizenship and belonging facilitates this resistance as it enables migrants to present themselves as acting in accordance with social norms. Immigration detainees construct and express narratives of contested legitimacy and strategies of resistance based on two manifestations of globalised citizenship and belonging, namely (1) denationalised and (2) transnational or cosmopolitan cultural repertoires.

Thirdly, and lastly, we explored the strategies and narratives through which these dimensions of immigration enforcement are contested. On the one hand, immigration detainees engage in forms of instrumental resistance that are assumed to diminish the likelihood of deportation. On the other hand, immigration detainees engage in forms of expressive resistance that are unlikely to change the outcome of the deportation procedure yet do make immigration control more costly for states, both financially and politically. Immigration detainees' strategies of resistance are often in line with the narrative of contested legitimacy—those with a denationalised narrative want to present themselves as deserving citizens of the Netherlands, and thus their resistance is more covert and instrumental, while those with more cosmopolitan/transnational narratives resist the mechanisms of the state more openly and expressively.

Moreover, we detected a hierarchy of narratives of contested legitimacy, which seems strongly correlated with the length of stay: most expressive and cosmopolitan/transnational repertoires are associated with new arrivals, while the more established migrants, who tend to use a denationalised repertoire, both have a stronger interest in not defying the authorities overtly—given their tendency to present themselves as exemplary national citizens—and depend less on expressive resistance because of their better knowledge of how to navigate the immigration system. Further research would be needed to explain this relationship between duration of stay and the narratives of contested legitimacy expressed. Possible hypotheses are that the difference is related to socialisation or assimilation into the narrative of the state; that the extent to which an immigrant detainee can credibly use a particular repertoire is dependent on acquired skills or attributes, implying a certain hierarchy in these narratives; or that a globalisation-related change in perception of the concept of citizenship and belonging is currently taking place in origin countries, meaning that new cohorts of immigrants are more critical towards borders than previous cohorts.

The analysis confirms the need for migration scholars to pay more attention to the changing social norms regarding the perceived legitimacy of immigration control and to not merely seeing its main role as increasing the 'costs' of migration (Todaro and Maruszko 1987; Carling 2002; Hatton and Williamson 2005; Massey 2015); receiving states also rely on some degree of legitimation in order to exert power over migrants and their countries of origin. These results are also relevant to making predictions about the future of migration (governance): if globalisation processes are indeed reducing the perceived authority of states to restrict migration, it can be expected that various types of immigration resistance will become more widespread and that a larger percentage of inhabitants from low- and middle-income countries will be prepared to consider migrating irregularly. States of countries of origin may also demand bigger concessions for their involvement in immigration control, such as increased openings for legal migration or substantial (other) contributions to their development.

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## Notes

1. Legitimacy deficits can also prevail among *states* of migrant-sending countries (Ellermann 2008, Leerkes and Kox 2017) and among implementing actors of immigration enforcement laws (see Ugelvik 2016), which also affects migration outcomes.
2. The Dutch government reported the costs of detention and repatriation in 2017, from which we can conclude that the direct costs were 20,145 euros per demonstrably departed migrant, excluding associated costs such as by the International Organization for Migration, lawyers, and the court system. The total costs of immigrant detention alone amounted to 84.2 million euros, see [https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/11/15/tk-bijlage-beleidsdoorlichting-begrotingsartikel-37-3-terugkeer.pdf](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/11/15/tk-bijlage-beleidsdoorlichting-begrotingsartikel-37-3-terugkeer/tk-bijlage-beleidsdoorlichting-begrotingsartikel-37-3-terugkeer.pdf) and [https://www.rijksbegroting.nl/2017/verantwoording/jaarverslag/kst244158\\_24.html](https://www.rijksbegroting.nl/2017/verantwoording/jaarverslag/kst244158_24.html).
3. The fieldwork builds on a previous research project from 2011, with 81 immigration detainees in the Netherlands (Leerkes and Kox 2017).
4. Either explicitly (Todaro and Maruszko 1987) or more implicitly (Czaika and De Haas 2015; Massey 2015).
5. The GlobeScan survey for the BBC World Service shows that 49 per cent of the respondents in 18 countries surveyed (including 10 middle-income countries) saw themselves more as a world citizen than as a national citizen in 2016. Source: <https://globescan.com/global-citizenship-a-growing-sentiment-among-citizens-of-emerging-economies-global-poll/>
6. We recognise that the researchers' ability to legally reside in the Netherlands may also have been perceived as privileged by the respondents.
7. Expressive resistance could however have covert aspects, for example, when secretly applying graffiti or inscriptions on or demolishing property of the detention centre: the act of resistance is visible, but not the person who is resisting.

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