



Territorial Ironies: Deservingness as a Struggle for Migrant Legitimacy in Belgium

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Abstract

This article ethnographically examines the everyday lives and collective activism of undocumented migrants in Belgium as they await the results of asylum appeals and regularisation applications. We show how the values emphasised by state-led migrant legalisation regimes contrast with undocumented migrants' narratives of their own worthiness. In foregrounding deservingness as a moral and legal threshold, we argue that the Belgian nation-state responds to undocumented migrants by enforcing and implementing citizenship policies that persistently keep them on the fringes of legitimacy and recognition. The discursive constructions of 'good citizens' that undocumented migrants embody and make claims to in Belgium extend to and envelop the lives of undocumented migrants in Europe in general.

Keywords Undocumented migration · Deservingness · Citizenship · Residency · Asylum · Belgium

Introduction

The Belgian government always talks about integration, you know, going to school, in the society, integrating with Belgian issues, you know, but they refuse to understand that many people in this country they have nationality (...) they come to Belgium without even integrating. They have their papers already. And we have been in this country for five years, some people even nine years, we are integrated but we have no papers, so what kind of system is that? You see the problem? Those who came here with valid document do not mean that they have integrated. And we that came in illegally, we came illegally does not mean that we are never as good as people with valid documents.

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With these words, Enfunsegun, a Nigerian national in his early thirties, explained his predicament as an undocumented migrant in Belgium. He emphasised that while documented immigrants could take their residency for granted regardless of whether they had integrated into Belgian society, irregular migrants who, like him, were conversant in Flemish and had strong ties to the city of Antwerp would always be left on the fringes of political legitimacy.

At the time of our discussion, Enfunsegun had been residing in Antwerp for almost five years and was volunteering at a migrant organisation where he assisted both documented and undocumented migrants. Enfunsegun's inability to gain legal recognition as an 'integrated' migrant despite his contributions to Belgian society demonstrates how exclusionary national policies prevent undocumented migrants from gaining legal residency rights. National citizenship and residency laws make people like him neither entirely illegal immigrants since they were awaiting asylum decisions nor subjects made worthy of citizenship through political claims of residence. Ambiguous national policies on citizenship and residency make migrant lives and livelihoods uncertain. Today, the impact of these laws is particularly evident in the concerted attempts of European states to exclude migrants and the violent patrolling of new border and humanitarian infrastructures intended to fence out strangers.

In this article, we argue that state response to undocumented migrants in Europe recasts national citizenship as the primary legal threshold for measuring whether groups or individuals are worthy of political inclusion. We suggest that the moral claims of deservingness and struggles of those aspiring to be included within the Belgian nation-state as legitimate residents, and the ambiguous state policies that prevent their formal inclusion into citizenship, demonstrate the limitations of national citizenship. The presence of people without papers in a political context where they make claims to deservingness but the state still ensures their location on the margins despite international human rights laws generates the territorial ironies expressed by Belgium's rejected asylum-seekers. Their economic and civic participation affirmed that the increased emphasis on having to 'earn one's citizenship' reinforces the sacredness and exclusivity of the nation-state, whether through shared values or language. As Van Houdt et al. (2011, p. 408) have argued, the emerging development in European countries of a 'form of neoliberal communitarian citizenship involves an increased emphasis on the need to earn one's citizenship'. But this emphasis on 'earning one's citizenship' has also generated new political dilemmas. Chauvin and Garcés-Mascreñas (2014, p. 422), for example, posit that 'restrictionist governments face' such a dilemma when their constructions of 'good citizenship' threaten to extend to 'deserving' undocumented migrants. From the point of view of states, the policies that establish the moral worthiness of undocumented migrants and thereby make them deserving, also make them more 'dangerous' as moral deservingness threatens to extend to formal entitlement.

In the following pages, we advance that the response of the Belgian nation-state to migrants' claims of legitimacy effectively restricts those who desire to be legal to the fringes of Belgian law and society. We posit that the moral claims of deservingness that undocumented migrants express in their everyday lives also resituate the boundaries of nation building and international law. Claims to both political legitimacy and national citizenship are fraught with anxieties and contestations. Based on ethnographic fieldwork with asylum-seekers in Belgium, we foreground how nationalist policies make uncertain the lives and legal status of those who are excluded from citizenship and legal residency. The everyday lives of undocumented migrants awaiting the results of asylum appeals and regularisation applications in Belgium demonstrate how migrants' narratives of deservingness conflict with state policies of migrant

legalisation. As Houssine, a Moroccan man who had married a Flemish woman and had a young child with her, asserted: ‘I did not marry for papers, I married correctly, I live correctly.’ We extend his sense of living ‘correctly’, along with Enfunsegun’s assertions of legitimacy, to define critical moral thresholds that can be used to study undocumented migration in both Belgium and Europe.

Deservingness as a Claim to Legitimacy

Scholars investigating migration in Europe tend to underscore how undocumented migrants can make claims for legalisation in the countries where they have been compelled to relocate (Ambrosini, 2015). Particular individual biographies, such as being an unaccompanied minor or a child of irregular immigrants, lend themselves to legalisation. In such cases, governments may relax the immigration rules to respect and uphold human rights. The human rights laws to which all European states are signatories oblige the state to take charge of subjects who are recognised as deserving of human rights protection by granting them appropriate hospitality and protection (ibid.). In addition, liberal principles, such as the freedom of marriage and the right of spouses to live together in the same country, may facilitate regularisation through marriage (e.g. Engbersen 2001; Van Meeteren 2010). Human rights-based legalisation is also temporarily applied in cases of pregnancy and severe illness, which are considered to make deportation inhumane. In all such cases, applicants appeal to humanitarian principles on the basis of an objective state of fragility. When applicants present their case to the authorities in the receiving country, they must demonstrate that they fulfil the requirements—which are, in this case, ‘objective’ and verifiable to a certain extent, i.e. minor age, illness, pregnancy, and marriage.

In Europe, the recognition of dangerous situations and serious violations of fundamental human rights in their home countries may also lead to the legalisation of undocumented migrants. Legalisation is a complex process through which migrants must prove both that they were in danger and that they were victimised. This applies to refugees, who are able to demonstrate that they crossed the national border not by choice but because they were compelled to do so by external and distressingly frightening circumstances, as well as to ‘forced migrants’ and those deceived and coerced, such as victims of human trafficking. To access humanitarian protection, migrants must establish that they are victims of processes that have uprooted them, forced them to migrate, or involved them against their will in situations that violated their human rights. In practice, this often implies that, to be believed, immigrants must behave like victims, recounting stories of victimisation to arouse compassion. In cases of human trafficking, their traffickers must be convicted by a court of law.

Precisely because international human rights law opens windows of opportunity for legal resettlement, European nation-states try to restrict the possibilities of gaining residency (Ambrosini, 2015). Governments seek to resolve this contradiction by imposing high barriers to resettlement and legal inclusion. This includes restricting the forms and times of application acceptance or in the case of unaccompanied minors, stating that ‘for their own good’ they must be returned to the family home (ibid.). Since the authorities suspect that migrants misuse human rights concerns as a way to circumvent restrictions, governments focus on creating a detailed assessment of the validity and credibility of each case (Kneebone et al. 2014). The requirement for such complex assessments in turn reinforces state suspicion about fraudulent asylum appeals, entailing more controls and protracted delays. These ensure that asylum-

seekers and other migrants live with even more uncertainty as they wait to reach the legal threshold where they can claim rights.

In Europe, amnesties and other regularisation procedures periodically enable asylum-seekers to regularise their status. As Van Meeteren et al. (2015) note, over the past thirty years, eight million immigrants to the European Union and USA have been given official status through thirty-four mass regularisations. In Europe, these measures were taken by both Mediterranean countries and their Northern counterparts, of which Belgium and the Netherlands are two examples. Whereas most amnesties primarily concern the legalisation of one category of undocumented people, such as illegal labour migrants (in southern Europe and France), humanitarian asylum-seekers (in most of western Europe), rejected asylum-seekers (in the Netherlands), and those applying to join family members (in France) (Baldwin-Edwards and Kraler 2009), others combined the legalisation of different types of immigrants (in Belgium and the USA). In part, states legalise immigrants through such collective amnesties ‘to put an end to the social exclusion and marginality that characterizes [this] population’ (Sciortino 2012, p. 369).

Apart from these regularisation campaigns, Belgium offers the possibility of individual regularisation. Such case-by-case regularisations are granted on the basis of demonstrated integration into the country due to either prolonged residence or stable relationships with legal residents. The applicant’s economic roles are also given consideration. Migrants who have been made irregular can prove deservingness for regularisation by showing that they hold a permanent job or are socially and culturally embedded. Formal exclusion can be overcome by demonstrating *de facto* inclusion—crucially, this shows how rules can be subverted and redefined by the initiative of individuals, in this case the immigrants (Ambrosini, 2015). The chance that an individual will be legalised is also affected by their actions and those of their networks (Ambrosini 2017).

Chauvin and Garcés-Masareñas (2014) call this mechanism ‘performance-based deservingness’. They argue that undocumented migrants who are excluded through restrictive policies can still claim a right to legalisation by demonstrating integration and their contributions as residents. Performance-based deservingness has been particularly emphasised by migrant movements and their supporters. Chauvin et al. (2013a) also indicate that performance-based deservingness can be claimed based on cultural integration and economic performance. Employment-based deservingness is not necessarily attributed to workers themselves; instead, employers can be framed as deserving. For example, in Austria’s 2007–2008 legalisation programme for care workers, employers were deemed deserving of keeping ‘their’ migrants (Chauvin et al. 2013b). In a number of countries, including Belgium, migrants are granted legal status based on cultural integration. Although exactly what cultural integration entails is not always defined, the acknowledgement of deservingness (whether implicitly or explicitly) involves the distinction—and sometimes the opposition—between deserving and undeserving immigrants (Nicholls et al. 2016). Cultural integration is also subject to conditions that are not always within the reach of the people concerned, can discriminate between the fates of immigrants in similar situations, and can give rise to forms of blackmail and circumvention of official rules and procedures (Ambrosini, 2015).

Belgium’s Integration and Regularisation Policies

According to Hollifield (2004, p. 901), since World War II, there has been a gradual extension of the rights granted by nation-states to non-citizens, to the point that individuals have acquired

a sort of international legal personality. For this reason, undocumented migrants have some rights that are partly rooted in supranational agreements and international human rights discourses, such as the right to emergency medical care and publicly financed legal assistance, and the right of children to education (Kromhout et al. 2008; Van der Leun 2003). These measures support Soysal's argument that citizenship has taken a post-national turn, the logic of universal personhood has replaced nationhood, and universal human rights have replaced national rights. However, Soysal acknowledges the dialectical tension between national citizenship and universal human rights, and avers that the nation-state persists as the primary mediator and guarantor of rights (Soysal 1994). In Belgium, although nationalist and post-nationalist claims to citizenship have historically converged, the nation-state still retains the power to arbitrate migrant lives.

Following the Second World War and through the 1950s, the social landscape of North-western Europe was transformed by the presence of foreign workers recruited from former colonies and through guest-worker policies. Belgium was among the main receiving countries of this immigration in the post-war period: workers from Southern Europe, Northern Africa, and Turkey could travel freely to Belgium and formalise their stay after they started to work (Düvell 2006; Moch 2003). These migrants were welcomed as 'guests', as they were needed to alleviate labour shortages. A decade of economic prosperity followed, during which migrants settled in urban conglomerations such as Antwerp and Brussels, and Belgians considered them docile and honest. When the economic downturn in the 1970s caused labour shortages to decrease, however, immigration policies became more restrictive.

As Sassen (1999) reminds us, by the 1970s, family reunification schemes had changed what was initially temporary work migration into immigrant and ethnic communities with institutional bases and political aspirations. The 1980s saw an increasing number of family reunification, and in the 1990s, the number of refugees grew. Whereas in the past undocumented migrants had been welcomed as 'spontaneous labour migrants', from the 1980s onwards, these immigration flows were regarded as problematic (Brochmann 1999; Martiniello and Rea 2003).

Immigration policies play a decisive role in the allocation of life chances to migrants (Baganha et al. 2006; Engbersen et al. 2007; Menjívar 2006). As governments impose barriers to migrants, the lives and claims of undocumented migrants become increasingly uncertain. As the possibility of individual regularisation became ever more limited and uncertain, undocumented migrants' best chances for legalisation were general campaigns of regularisation. Belgium's first general regularisation happened in 1974 (Martiniello 2003). At the end of the 1990s, irregular migrants occupied churches and went on hunger strikes demanding regularisation. In response, the Belgian federal state issued a regularisation campaign in 2000, seeking to end the marginalisation of migrants without documents. That year, the state received 42,691 asylum applications, the highest ever recorded in Belgium. Among the grounds on which migrants could be regularised were special ties to Belgium or Belgians—commonly interpreted as 'integration'. Undocumented residents frequently invoked this criterion in their applications for regularisation (Van Meeteren 2014). During the campaign of 2000, over 30,000 regularisation applications were filed, representing roughly 50,000 people (Bernard 2000) of many nationalities, of which Congolese and Moroccans were the largest groups (Martiniello 2003). One among the criteria was living at least six years in the country without receiving an official notification to leave the country during the previous five years—supposedly an indication of integration (ibid., pp. 229–230).

After this round of regularisation, Belgium escalated the border controls on irregular migrants while making it easier for ‘regular’ migrants to obtain Belgian nationality. This marked the beginning of new immigration policies based on the twin pillars of, first, stringent rules regarding immigration and asylum aimed at newcomers and, second, a policy of integration aimed at the older migrants who were already present in the country. In 2009, the Belgian authorities decided to issue another general amnesty. Starting in September, irregular migrants could apply for regularisation based on a set of special criteria that were only valid for a period of three months, including ‘durable local embeddedness’. In practice, this meant that individuals who had been in Belgium for five years and who had filed for regularisation before 2009 could apply. About 30,000 people applied, of which only about 10,000 were new applications. The others were individual requests for regularisation that were shifted to the general regularisation campaign (Van Meeteren 2014).

Although migrants can file for regularisation based on ‘exceptional circumstances’—which is often interpreted as integration—outside of regularisation campaigns, their chances of regularisation are slim: only about 300 persons per year are granted regularisation based on exceptional circumstances (Van Meeteren et al. 2008). Efforts made to learn the native language, letters from natives they know well, children in school, and a long stay in the country are some of the exceptional circumstances that migrants try to invoke as evidence of their integration. Although the definition of integration is not specified by law, organisations and immigration lawyers usually advise undocumented migrants to work on integrating in order to be eligible for application. By leaving ‘integration’ a vague criterion that is open to multiple interpretations, the state ensures that applications for regularisation on the basis of integration are, in practice, trial-and-error exercises. Many undocumented migrants repeatedly try to make such claims (Verstrepen 2007). They also engage in collective political action in support of their integration (see McNevin 2006).

Under the Belgian federation, integration policies are organised according to linguistic divisions (communities)—Dutch, French, and German. Brussels, where all three languages are accommodated, has its own integration policy. Flemish integration policies have persistently emphasised mastery of the Dutch language, amongst other criteria (Bulcaen & Jaspers 1999, cited in Coffé and Tirions 2004). This is an expression of Flemish sub-nationalism, which emphasises that the language (historically) spoken in a certain region should be spoken by everyone in that region, so as to establish a collective identity (Coffé and Tirions 2004). Flanders is therefore, in principle, unilingual Dutch, while Walonia is unilingual French (Jacobs 2004). In fact, the Flemish government has created specific citizenship trajectories (*inburgeringstrajecten*) to be followed by newcomers. These trajectories comprise lessons on the Dutch language and Flemish/Belgian society. The aim of the Flemish government is to actively promote a certain degree of language and cultural assimilation (Jacobs and Rea 2007). Policy measures such as these are aimed at the cultural assimilation of newcomers, echoing anti-immigrant sentiments voiced in public debates (Jacobs 2004). Certain groups are obliged to follow these courses and are fined upon non-compliance. This is an example of Fuller et al.’s (2008) argument that, across European welfare states, rights-based conceptions of citizenship are losing ground to obligation-centred ones.

Flemish integration trajectories draw heavily from citizenship trajectories in the Netherlands, which demand heavy acculturation and are considered the most stringent in Europe (Jacobs and Rea 2007, p. 264). In both countries, the correspondence between citizenship and immigrant integration and completion of citizenship trajectories establishes that immigrants who do not integrate ‘do not belong’. Writing in the context of the Netherlands, Schinkel

(2010) has foregrounded how the policies and discourse on immigrant integration have transformed the notion of citizenship, which has become increasingly moralised. Through the discourse on immigrant integration, formal citizenship is discursively suspended. In other words, immigrants have to integrate before they can become morally deserving of formal citizenship. Schinkel refers to this process as the ‘virtualization of citizenship’.

While there are clear tendencies towards such assimilationist integration policies, Flanders’ integration policies also contain multiculturalist elements. For example, the self-organisation of ‘ethno-cultural minorities’—‘allochtonous citizens’ (meaning non-indigenous or non-native citizens), refugees, travelling groups (Roma), non-Dutch-speaking newcomers, and people without legal stay (*mensen zonder wettig verblijf*)—is actively endorsed (Jacobs 2004, p. 286). Interesting developments are the state subsidising of mosques—similar to churches and synagogues—starting in 2005 and the granting of holidays on Jewish and Muslim religious festivities in the Flemish education system (Jacobs and Rea 2007). All in all, Flanders has ‘a hybrid policy towards immigrant incorporation, combining both more assimilationist and more multiculturalist stances’ (Jacobs 2004, p. 288). Although this is the result of political processes related to the specific nature of coalition politics in Belgium, the resulting policies make the process of integration for any migrant, a multi-faceted, complex, and possibly confusing task.

Deservingness from Below

The immigrants we interviewed are located between the politics of pan-European multiculturalism with which Belgium traditionally aligned and more recent discourses on integration that speak to Flemish sub-nationalism. In Flanders, where Antwerp is located, anti-immigrant political expression is not aimed specifically at undocumented migrants, but equally applied to former guest workers, their children, and those who have been granted asylum. This is especially so in Antwerp, where the massive electoral victories of Vlaams Belang, a nationalist political party, in recent years have boosted feelings of alienation among the immigrant population. In the last round of elections before our fieldwork in 2006, a third of Antwerp’s inhabitants voted for this party. Their rallying cry has been to ‘put our own people first’, weed out criminals among immigrants, and get all immigrants to integrate into the Flemish sub-national culture. After the election, the mainstream parties initially agreed that they would not form a coalition with Vlaams Belang because of this anti-immigrant discourse. Although the parties have stuck to this agreement, there has been a convergence in the immigration discourse over the years: several mainstream parties now echo the views of the extreme right wing in softer tones, and some ideas have translated into integration policies (Billiet et al. 2005).

Undocumented migrants in Belgium may have over-stayed their visas or crossed a border illegally, possibly at the hands of human smugglers. In addition, many undocumented migrants in Belgium have had their asylum applications rejected by the state. There is a possibility of appealing this decision with the Council of State, the highest legal authority in the country. The Council of State does not look at the content of the applications, but only determines if procedural errors have been made. Because these appeals are not part of regular procedures, those who choose to remain in Belgium while their appeal is pending do so without authorisation of the state and are therefore considered undocumented. At the time of our fieldwork, so many rejected asylum-seekers had filed appeals that the system had become completely clogged, causing the waiting period to become three years or more (Van Meeteren et al. 2008).

In our fieldwork, we worked with asylum-seekers from Africa, Asia, and Latin America in the cities of Brussels and Antwerp. We interviewed people whose claims to legalisation had been refused and others who had not applied for asylum because they felt the existing rules would disqualify them. In the spring of 2006, we followed the struggles of undocumented migrants who were actively engaged in large public actions calling for 'regularisation for all' in Antwerp and Brussels. This was part of a movement that lasted from 2005 to 2007, in which undocumented migrants occupied churches, demonstrated on the streets, and engaged in hunger strikes all over Belgium. These actions were organised by UDEP (Union pour la Défense des Sans-Papiers), a collective of undocumented migrants fighting for their rights. In Flanders, their actions were coordinated with local churches and welfare organisations, and the movement became known as 'church asylum'. Each day, around thirty undocumented migrants would sleep in an alternating church, while other undocumented migrants visited the church throughout the day to help with cooking, participate in public events, and attend the meetings that also took place during this time. Many came to the churches on a regular basis to keep up with the latest news on UDEP's actions and provide company to their fellows who had occupied the churches.

During our fieldwork, we joined the national protest marches held by UDEP, and regularly visited the occupied churches and their temporary inhabitants. We ethnographically explored the nature of these collective protests as well as people's daily lives as they cooked food, played cards, and discussed their predicaments with each other. While we met close to a hundred undocumented migrants through the church asylum protests, in this article, we draw upon forty-three open-ended interviews with undocumented migrants. In addition, we also interviewed migrants who had married Belgian nationals but were still undocumented because the Belgian state suspected their marriages to be bogus. The five- to fifteen-year efforts of these undocumented migrants to seek political legitimacy in Belgium, and their repeated failures to do so, demonstrate the uncertain nature of the legalisation policies that inform national citizenship practices.

Among those who had filed asylum applications, several argued that the Belgian state had wrongly judged their application. They asserted that the asylum procedures were unfair, as they are too narrowly defined. Enfunsegun from Nigeria, for example, stated: 'the Belgian government they are only emphasising the political aspect of asylum procedure and they forget about the economic aspect [...] I want them to know so that they can focus on that, on economic problems as well, not only on political problems. That is where they pay the attention mostly, now you know. Economically, politically, problems are problems.' Enfunsegun thus foregrounded the centrality of economic issues in compelling displacement and relocation in a foreign context.

In our discussions, African and Asian asylum-seekers often deemed themselves deserving of regularisation because of colonial legacies. They expressed their relationship with these legacies in complex and contrasting ways. Some claimed historical allegiance to the colonial Belgian state, arguing that by virtue of these historical connections, their contemporary presence in Belgium was legitimate. Others argued that because European colonies have ravaged and depleted many Asian and African countries of their resources, it was only fair that they should be lenient towards asylum claims from the countries they robbed.

For example, Tuyishime from Rwanda stated: 'I love Belgium, it is like my father, it is the country that colonised me. I feel like a Belgian. That is one. I don't know France or Germany or Holland. Belgium is the country that colonised Rwanda. The first Belgian who came to colonise was papa.' In this narrative, Tuyishime makes evident his complex relationship with

the Belgian nation-state, acknowledging the role that the colonial state played in his country of origin by asserting his role as the by-product of that legacy. In recognising Belgium as a father and claiming political subjecthood as a colonial citizen, he extends his sense of legitimacy to the contemporary moment. In his use of the words 'father' and 'papa', he overrides the brutality of the colonial encounter and demonstrates his acceptance of a paternalistic form of colonisation.

Some asylum-seekers stated that the mere state of not having papers is a violation of human rights and other moral standards generally associated with Western democracies. For example, Tarek from Algeria stated: 'I hope that God will change this world. Having papers is the minimum you know. There should not be a difference between he who has papers and he who has not.'

Most asylum-seekers claimed that they were economically and morally worthy of legalisation because they felt that they had integrated, whether economically or socio-culturally. Claims of deservingness based on economic performance were not asserted strongly by the migrants we spoke to; when it was mentioned, it was always associated with tax revenue. For example, Virender, an Indian asylum-seeker, justified working in the underground economy by stating 'I do black work, everybody knows. Why you don't give me papers? If you give me papers then tax comes in and everything.' Similarly, Alexandre from Congo stated: 'They should try to give papers to people so that they can work, pay their taxes. [...] When I follow the news on Spain of last year, so many millions of euro's simply because they have regularised people. The people who work, if you regularize them the money is for the treasury.'

In contrast to the few references to economic integration, cultural integration was frequently and strongly emphasised by all of the migrants we spoke to as a possible route to legalisation. When we talked to Fernanda from Ecuador about legalisation, she explained what she thinks she has to do: 'You are integrated when you have adapted to the customs, when you have learned the language. All that is integration. And that is what they are demanding nowadays, if you want to have possibilities for papers one day, that you have to be integrated, that you know the language, that you are used to the customs and all those things.'

Speaking the local language and having contact with Belgians were frequently mentioned as a sign of integration. Also mentioned is that integration can be assumed after a few years of residence, or that the policies seem to assume that this is the case. Therefore, after a few years in Belgium, migrants feel they are deserving of legalisation. Still, the people we spoke to made it very clear that regularisation is not something you can just get, but instead something you have to earn. In other words, they indicate that deservingness, as Chauvin and Garcés-Mascreñas (2014) also indicate, is performance based. For example, Dakari from Mauritania stated: 'It is an obligation for foreigners to speak Flemish or whatever language they speak. If they want to stay they have to integrate. If a foreigner makes efforts, he goes to school, he works voluntarily with a humanitarian organisation, if he does everything he can to integrate, if he does that, he will hope that he will receive his papers also. But it depends on him, yes.'

Migrants have to gather proof of their integration to support their applications. Undocumented migrants usually collect letters from Belgians that testify to their social relations. They also need proof that they are taking language courses. For example, when Fernanda from Ecuador went to an organisation to discuss the possibility of legalisation, they indicated that she had to 'at least be inscribed in a language course to be able to show the will to integrate'. This clearly emphasises that it is not the outcome, but primarily the *will* to integrate that is considered important.

To demonstrate his willingness to integrate, for over seven years, Soibal, a Bangladeshi national without papers in his late fifties, applied unsuccessfully for asylum, worked, and

learned Flemish. He made every visible effort to integrate, and participated in civic groups such as the Flemish Bengali Association that he and his Bangladeshi friends co-founded in 2004. A Belgian national who was working for the city's integration services had mentioned to Soibal's Bangladeshi friend that starting a local association might help establish their connections to Flanders (and hence their regularisation). In this way, state agents extend a helping hand to immigrants who they cannot deport for reasons such as not having passports. Yet, by also suspecting their intentions and asylum claims, state agents also simultaneously deny their claims to legitimacy. Integration is also about the *struggle to integrate*. Such struggles include troubled border-crossings and anxious arrivals, moral claim making, civic participation, and collective protests in a re-settled context. Civic participation and the everyday anxieties of people in re-settled contexts inform the process of integration (Sur and Van Meeteren 2018).

Contesting the Narratives of Cultural Integration

While working on integrating, migrants also expressed their criticism of the process. They explicitly contested the idea of cultural assimilation as requiring them to abandon their own values. For example, Alexandre from Congo stated: 'We, in our culture, we would never ask foreigners to live like us the way the Belgians do here. To allow that, that does not exist, that does not fit in our culture. So, integration, yes, but you should be able to keep your own values. The Belgians are too demanding.'

In addition, they argued that it was unfair that integration was expected of undocumented migrants, while many documented migrants made no effort to integrate and never had to prove that they had done so. Enfunsegun explained how he was confronted by this perceived unfairness on a daily basis in his voluntary work:

most immigrants here they don't know how to fill in their documents. [...] most people who have papers today they don't know what to do with it, but they already have it. So, when they come to us we explain one or two things to them. You know we help them, we tell them what to do. We tell them not to rent their papers to other people to work you know [...] most of them they have their paper but they don't know what to do, so we, we the undocumented immigrants, we have more force than the people who have papers in this country. Because we are suffering in our lives. But those who have papers already they are relaxed, they don't want to suffer anymore you know and maybe they are paid their monthly salary, while we, we are pushing harder to see that we achieve ourselves. So, this is what we are doing, we educate people.

The migrants also indicated that their undocumented status itself sometimes makes them feel like criminals. For example, Sofia from Bolivia stated: 'when you are without papers you feel like, how to you say, a person who has committed, who has stolen something.' But in our discussions, the migrants were also quick to explain that they were not actually doing anything wrong. As Javiera from Ecuador put it, 'When you see all these police at times you feel like a delinquent, like you are doing something wrong, but I am not doing anything bad. You know our situation and I don't know how you feel about it but we are not doing anything wrong. I can only speak for us but we are peaceful.'

The undocumented migrants asserted that they were peaceful; the other, documented, migrants were the ones causing trouble. Matias from Ecuador, for example, thought that it was unfair that undocumented migrants are disadvantaged because regular migrants were

associated with crime: 'for them we all pay, but we are not all the same'. Likewise, Catalina from Colombia stated: 'We are all paying for one we say.' In Flanders, documented migrants are indeed relatively more frequently stopped in connection with (non-immigration-related) crime than are undocumented migrants (Van Meeteren et al. 2008).

In fact, the idea that documented migrants are often involved in crime made some undocumented migrants support, or at least understand, Belgian's restrictive immigration policies. For example, Valentina from Cuba stated: 'There are some racists but they are so with reasons, you know, how many people from other countries have not murdered, robbed or sold drugs? Yes. It is logic they say they have to send them back, but the Moroccans who do that get only one year, yes, they have to send them back right.'

As Lucassen (2005) reminds us, in addition to differences of 'colour', Islam and crime represent migrant threats that haunt Western Europe. Undocumented migrants of 'colour', despite their efforts to integrate, felt discriminated against and that they were considered less civic-minded and worthy of residency, while those who, based on their 'white' appearance, could pass as Belgians did not experience problems with discrimination. As the darker-skinned Babul from Bangladesh stated, 'they think that we as coloured people are thieves'; the light-skinned Latino migrant Benjamin from Ecuador, on the other hand, stated: 'because I am white, they think I am Belgian [...] We haven't had any problem with racism or anything, no.' The Vlaams Belang especially target Muslim immigrants, and Moroccans are often singled out as a bad example. This was evident during our fieldwork. Ignacio from Chile, who has a darker complexion, was so often confused for a Moroccan that he tried to change his appearance (e.g. clothing, haircut): 'I changed my mimics a little, for example, my face looks like a Moroccan, all the people in the streets think that I am a Moroccan. No, I am not a Moroccan I am a Latino. [...] the police think that I am a Moroccan. So, because of this I made these changes.' Among asylum-seekers, Muslim men especially emphasised that they had to work harder to integrate than, in their view, documented migrants did. They emphasised that while Belgians often suspect that undocumented migrants in general are associated with crime, Muslim men in particular are considered likely criminals.

The undocumented migrants who spoke to distanced themselves from the migrants targeted by Vlaams Belang, migrants whom our interlocutors considered to be mostly responsible for the idea that migrants are criminals. In addition, they were also quick to distance themselves from undocumented migrants who engaged in fake marriages to arrange for legalisation. Again, they felt that the behaviour of a small group of people was casting a negative image of undocumented migrants in general, which they considered unfair. As Warsi from Bangladesh stated, 'their plan is to get married to someone, and get paper[s], and then kick them out. It is their plan. [...] Everybody does this, every nationality. You cannot trust someone. I don't trust anyone myself. It is terrible. That is why they don't like the foreigner, I understand. That is why they don't have faith in the foreigner. Because they are cheating everywhere.'

The Belgian state also suspects migrants like Houssine, the Moroccan man married to a Flemish woman with whom he had a young child. The Belgium state has developed policies to discourage undocumented migrants from entering into what they regard as bogus marriages (Broeders 2009; Van Meeteren et al. 2007). The state does not recognise marriages if they suspect them to be fake (Van Liempt 2007; Van Meeteren et al. 2007). Antwerp in particular is notorious for declining the right to residency due to suspicions of bogus marriages (Van Meeteren 2014); in 2005, for example, Antwerp started 478 investigations of marriages compared with 125 in Brussels (Van Meeteren et al. 2008).

Undocumented migrants are especially careful to abide by the law because they otherwise risk not getting a residence permit, as committing a crime weighs heavily against an application. While decisions on regularisation applications generally take years, things can quickly move forward when undocumented migrants find themselves accused of breaking the law. For example, Tarek from Algeria recounted the following to us:

Do you know how I got the negative response [in my regularisation application]? [...] I was in an apartment, it was not mine but it belonged to a friend, and he had a quarrel with the owner. The owner turned me in with the police. [...] They said, sir you are illegal. I said but I haven't done anything. I have not broken anything in the apartment. I have always paid rent. He said you are coming with me. [...] And the head of police says to me, unfortunately you have received a negative decision on your regularisation application. So, I received the negative decision right there with that head of police you see.

Undocumented migrants can apply for individual regularisation based on long-term uninterrupted informal employment. However, if an irregular migrant is caught doing informal work, they are given a notification to leave the country which severely reduces their chances of legalisation and increases their chances of being deported. For this reason, many of the migrants we spoke to try to work as little as possible. As Alexandre from Congo explained: 'It is black work. I do not take such risks in this life. That is dangerous, every day. What if the police catch me? That is not good for my application.'

Not only is it perceived as not smart to engage in 'black work' because doing so limits the chances of legalisation, but the migrants we spoke to also morally distanced themselves from undocumented migrants whose sole purpose is to come to Belgium to engage in 'black work' and remit their earnings to their home country. As Enfunsegun explained:

I never worked since I came to Belgium. I have been working voluntarily always [for an NGO] ... Many undocumented people they are working in this country ... but I don't want to associate myself with that system ... because people go to rent documents you know they use them to work, and by the time they get caught they end up in prison. [...] The best option that I have is to wait until I have my personal permission with my passport. Then I want to look for job ... So these are the reasons why I don't want to run that risk, not that there are no people who do it but I don't want to do it.

Enfunsegun regarded undocumented migrants who only came to Belgium to work and send money home—thereby breaking the law—as undeserving of legalisation. As Albert from Congo emphasised: 'we are looking for money according to the Belgian law.' When asked how he was able to sustain his family, including his two daughters who were born in Belgium, he explains how his family consciously abided by the Belgian law, even if it meant living in poverty:

The children see their father go out in the morning to find no matter what. [...] And if he does not find anything the children sleep without food. That is how we live here. Fortunately, there is [organisation A], they help us together with [organisation B], they help us too with food, spaghetti. [...] My daughter is three and a half now and she is started to say, daddy, today I want to eat rice, but we don't have rice in our home. We just eat spaghetti.

Often, our respondents opened their kitchen cupboards to show how they were filled with nothing else but a few packages of cheap dried spaghetti. This illustrated the efforts they were making on a daily basis to act as deserving, law-abiding residents, even if it meant that they and their families cannot afford essential supplies, such as food. In doing so, they actively not

only assert but also perform their deservingness of legalisation. They feel that it is important to actively perform their deservingness in their daily lives, even if it means sacrificing their health and the welfare of their children. As Alexandre from Congo asked, 'Do I still have a life like this? If I don't work, it is good for my application but it is not good for my health. For my life.' Feeling defeated due to years of continuously living in poverty, he continued:

I don't know what I need to do to get papers in this country. That is the big question of my life. That is the big question and there will never be an answer. [...] I have tried everything to be integrated. To be just, to be correct, to be Belgian. I have tried everything to be Belgian. But the Belgians do not accept me. And that hurts. I have potential to live here and Belgium can use me to the benefit of society but the Belgians do not use my potential.

Although many migrants also considered themselves deserving of regularisation due to claims of victimisation, they did not want to elaborate much on the stories underlying these claims. Instead, it was not their experiences of victimisation as such that they felt legitimated their legalisation, but the fact that they had to make so many sacrifices vis-à-vis documented migrants, who they believed had it easy.

Conclusion

In this paper, we argued that by investigating undocumented migrants' claims to legalisation in Belgium, we can begin to understand how constructions of national citizenship are challenged 'from below' (Balibar 2004). With their claims of deservingness, the undocumented migrants we interviewed seek to redefine the borders of Belgian citizenship. They argue that they are deserving of legalisation based on grounds other than those that are legally enshrined. Their narratives emphasise their good 'non-citizen citizenship'—the 'practices through which non-citizens make claims to belonging, inclusion and recognition in their societies of residence' (Swerts 2014, p. 299). In their narratives, they use elements from public discourse on what constitutes a 'good citizen', which goes beyond (in their view) the too narrowly defined legal categories, and thereby challenges contemporary constructions of citizenship 'from below' (Balibar 2004).

Yet, as we argued, rather than well-defined pathways leading to residency, the everyday struggles and civic recognition of undocumented migrants not only establishes the crisis that surrounds citizenship and transnationalism in Europe, but also conveys the political reinforcement of citizenship's primordial canons. In the twenty-first century, the presence of the non-European foreigner, with or without documentation, continues to strike at the heart of national citizenship and the public anxieties that surround those displaced by wars, humanitarian interventions, and endemic poverty.

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