Becoming Less Illegal: Deservingness Frames and Undocumented Migrant Incorporation

Sébastien Chauvin[1]* and Blanca Garcés-Mascareñas[2]
[1]*Amsterdam Institute for Social Science Research, University of Amsterdam*
[2]*GRITIM, Department of Political and Social Sciences, Universitat Pompeu Fabra*

Abstract

Over the last two decades, research on unauthorized migration has departed from the equation of migrant illegality with absolute exclusion, emphasizing that formal exclusion typically results in subordinate inclusion. Irregular migrants integrate through informal support networks, the under-ground economy, and political activities. But they also incorporate into formal institutions, through policy divergence between levels of government, bureaucratic sabotage, or fraud. The incorporation of undocumented migrants involves not so much invisibility as camouflage – presenting the paradox that camouflage improves with integration. As it reaches the formal level of claims and procedures, legalization brings up the issue of the frames through which legal deservingness is asserted. Looking at the moral economy embedded in claims and programs, we examine a series of frame tensions: between universal and particular claims to legal status, between legalization based on vulnerability and that based on civic performance, between economic and cultural deservingness, and between the policy level and individual subjectivity. We show that restrictionist governments face a dilemma when their constructions of "good citizenship" threaten to extend to "deserving" undocumented migrants. Hence, they may simultaneously emphasize deservingness frames while limiting irregular migrants' opportunities to deserve, effectively making deservingness both a civic obligation and a civic privilege.

Introduction

The intensified repression of "illegal" immigration in Europe and North America has resulted in a proliferation of internment spaces and rising rates of deportation. However, over the last two decades, research on unauthorized migration has departed from the equation of migrant illegality with absolute exclusion. While many undocumented migrants are detained and deported, most are not. Those who remain do not only hold jobs and incorporate into their direct social environments but also accumulate formal traces of long-term presence and good conduct, especially with a view to future legalization. And, because access to legal status depends on the successful performance of deservingness, legalization raises the issue of the frames through which deservingness is claimed and acknowledged.[1]

This article brings to light recent developments in the scholarship on migrant illegality by examining the nexus between the social incorporation of undocumented migrants and the moral economy that regulates their uncertain access to legal status. At the intersection between legal studies, cultural sociology, and the sociology of immigration, we argue that incorporation within illegality forms the infrastructure of migrant political agency and shapes the architecture of legitimation strategies by giving them purchase and empirical resonance. The following section reviews theoretical inroads made in the last twenty years on the study of migrant illegality as an exclusionary political institution. We then detail the avenues of informal incorporation experienced by undocumented migrants in spite of their formal exclusion. The section entitled "Formal incorporation,

camouflage, and coming out" turns to both the legal and illegal integration of irregular migrants into the formal institutions of their societies of residence. The last two sections look at the moral economy embedded in legalization claims and programs and identifies tensions traversing deservingness frames. While states see their constructions of "good citizenship" threaten to extend to "deserving" undocumented migrants, the latter risk being framed as "more illegal" for the same features that are also presumed to increase their legal deservingness.

From exclusion to subordinate incorporation

Historically speaking, the existence of irregular migrants is rather new and results from the gradual emergence of the modern system of authorization during the 19th and 20th centuries (Caplan and Torpey 2002; Noiriel 2007; Sciortino 2004). Until quite recently, people were considered legitimate until they were explicitly declared undesirable – which could result in massive deportations (Ngai 2004). The degree of desirability did not depend as much on the persons' legal status as on their perceived capacity to work and sustain themselves and their (non)classification as politically subversive or ethnically incompatible. However, the growing salience of nation-state boundaries throughout the 20th century led to the more effective exclusion of those who were not supposed to be in a country according to immigration law. Papers became increasingly important to the point of virtually reversing the former regime of authorization: today, immigrants are assumed illegal unless they are explicitly declared legal.

Four claims have ensued in the contemporary literature on migrant illegality. First, although popular thinking tends to see irregular migrants as the cause of illegality, most recent scholarship is grounded in the argument that the analysis should start with the law itself: structurally speaking, illegality is the product of the law, which restricts some traditions of mobility and criminalizes select groups of residents (See Calavita 2005; Cvajner and Sciortino 2010; De Genova 2002). Second, migrant illegality is not primarily about deportation. Although deportation can have devastating consequences for the people concerned and their families (De Genova and Peutz 2010), most unauthorized migrants are not deported, either because they are not arrested or because their deportation procedure does not go through. Thus, third, analyzing migrant illegality as a *political institution* means examining its implications for the majority of undocumented migrants who stay. Irregular immigrants' civic exclusion is itself a form of subordinate inclusion: illegality regulates mobility not through physical borders but through the creation of a hierarchy of rights.[2] Fourth, irregular migrants' subordination is ensured not only through their official exclusion from the labor market and other well-protected domains of the nation-state but also through the discipline imposed by the threat of detention and deportation – what Nicholas de Genova (2002) called "deportability." As it involves durably limited economic claims, deportability sustains migrants' "vulnerability and tractability as workers" (De Genova 2002, 439; see also Bloch 2013; Calavita 2005; Jounin 2008).

The architecture of informal inclusion

In the last decade, many authors have pointed to the informal incorporation of irregular migrants despite formal exclusion. Key studies insist on the agency of migrants and their use of social networks, mention the key support of non-governmental organizations (Engbersen, van San, and Leerkes 2006) and stress unauthorized migrants' participation in the underground economy where they perform jobs in agriculture, construction, domestic work, street trading, small manufacturing, and urban services (e.g., Ambrosini 2013;

Samers 2003; van Walsum 2011). The "informal citizenship" (Sassen 2002) of irregular immigrants has also been related to active civic participation, by which they integrate into mostly local environments and take part in myriad institutions such as schools, churches, ethnic community groups, and political organizations (Chavez 1991; Coutin 2000; Menjívar 2006; Pincetl 1994; Terriquez 2012).

At the discursive level, migrants contest the legal identities assigned to them with counter-strategies and assertions of subjective legitimacy. Kyle and Siracusa (2005) showed how their informants – Ecuadorian migrants in Spain – were aware of breaking immigration law but rejected the idea that this made their venture illegitimate. Following Van Schendel and Abraham's terms (2005), they claimed that Salvadorans' stay in Spain was "illegal yet licit," meaning it was considered illegitimate by the state but legitimate by themselves and a significant segment of civil society. As one attorney in a meeting for Salvadoran migrants in the United States attended by Susan Coutin (2000) summed up: "Law is one thing, justice another."

Diverse studies thus converge in emphasizing the tensions between formal law on the one hand and informal practices, social dissent, and discursive resistance on the other. Though officially declared unwanted and formally excluded, irregular immigrants succeed in opening loopholes for their informal incorporation and spaces for their political expression. While these discoveries add important nuances to the literature that focuses on the exclusionary aspects of immigrants' illegality, their dualistic approach risks conferring too much coherence to (il)legality itself. As we will show in the next section, formal law excludes and includes at the same time as contradictions are also located within the law, and tensions cut simultaneously through law, policy, and practice.

Formal incorporation, camouflage, and coming out

Although the condition of undocumented migrants often results in their exclusion from formal institutions, this exclusion is too often taken for granted. Contrary to common representations, "undocumented" migrants rarely have no documents. They often possess legitimate documents from their home countries. At times, their origin governments can even play an active role, as in the United States, where Mexican consulates lobby banks and public institutions to accept its matriculation cards as legitimate identification even for undocumented migrants (Bakker 2011). In countries of residence, local and national institutions may grant them legitimate (if inferior) forms of identification such as driver's license, municipal ID cards, or tax numbers (Varsanyi 2006). Migrants may also hold expired documents or valid registration numbers from a previous period in which they held some form of legal status. Finally, irregular migrants can acquire formal elements of civic membership (such as social security numbers) through illegal means, whether due to the absence of control from granting institutions (Sadiq 2008), the unequal closure of various "social systems" (Bommes 2012), the "bureaucratic sabotage" of sympathetic civil servants placing professionalism and humanitarian concerns ahead of restrictive definitions of their publics (van der Leun 2006; Marrow 2009), or by forging, renting, or borrowing documents (Broeders and Engbersen 2007; Pijpers and Van Der Velde, 2007; Vasta 2011). Importantly, these informal arrangements may lead to formal – although often illegal – outcomes.

The distinction between informality and illegality is nowhere more useful as in the study of irregular migrants' employment. Jobs do not automatically become "informal" because unauthorized migrants occupy them. The level of (in)formalization of an economy is a structural feature upon which new migrants – often thought as naturally embodying the "underground economy" – have little influence (Reyneri 1998): in economies and sectors dominated by informal businesses or partly undeclared activities, undocumented migrants will hold informal jobs; in very formalized economies, they will more likely hold formal

jobs – illegally. Yet, as Giuseppe Sciortino (2004: 42) aptly noted, if civic "exclusion" is a form of inclusion, it means inclusion at a higher price. In countries or states in which it is illegal to provide housing to undocumented migrants, sublets are provided at higher rents. Employment is granted as a favor by employers who claim to help migrants by taking a risk and demand more flexibility (Bloch 2013; Chauvin 2010; Jounin 2008).

Both formal and informal integrations suggest that the notion of "invisibility," widely used to describe the existence of undocumented migrants, may prove inadequate. Irregular migrants are usually at their most visible in the first weeks of residence, when "tacit knowledge about the locale is plainly unavailable" (Sciortino 2004: 40; see also Chavez 1991), and they run a higher risk of being detected. As studies on undocumented migrants tend to recruit informants through NGOs and support organizations, they run the risk of overemphasizing the peculiar situation of these not-yet-integrated newcomers who are more visible, more vulnerable and more in need of assistance (Cvajner and Sciortino 2010). Ironically, only as unauthorized migrants get more integrated into their societies of residence can they better avoid the punitive visibility of arrest and detention – while becoming less readily accessible to researchers. Yet, they cannot be said to be invisible properly speaking: undocumented migrants live, work, shop, walk, and drive among the rest of the population in the most visible ways. The undetectability of "integrated" unauthorized migrants can thus be better grasped by the notions of camouflage and the "undocumented closet." *Camouflage* adequately points to a situation of invisibility within visibility. To a certain extent, the myth of invisibility is even a condition of camouflage: if the "illegal" is believed to be invisible, then anyone who is visible is perceived as legal. The *closet*, a notion borrowed from lesbian and gay studies (Sedgwick 1990), points to well-known dilemmas associated with secrecy and coming out, among which: handling the tension between one's real status and one's perceived status, never knowing for sure whether those around are aware of one's status and selectively repeating the coming out ritual as one finds oneself in new situations in which a wrong status is again assigned, or conversely maintaining a "don't ask, don't tell" policy in key environments such as at the workplace even when knowledge is suspected.

It is no coincidence that the term "coming out" has started being used in the United States in the immigrant youth movement (Jones 2010; Nicholls 2013b; Seif 2011). Youths born abroad who have spent most of their time in the United States are culturally more indistinguishable from their peers, thus intensifying the paradigm of the closet while making them more legitimate candidates for legalization. Passage through the school system and other non-exclusionary institutions heightens their feelings of legitimacy and hence their frustration (Abrego 2011; Gleeson and Gonzales, 2012; Gonzales, 2011) – while providing them with more cultural resources for claims-making. As this example shows, adopting the language of coming out requires measuring the full implications of the closet by distinguishing it from static powerlessness. The dialectic of the closet is the missing link for understanding the passage from the "shadows" of everyday life to formal political claims-making. For sexual minorities and other discreditable groups, the closet is at once a period of painful dissimulation and a moment of self-discovery and autonomous construction that is a preparation for coming out. In the case of irregular migrants, it is itself a phase of resource acquisition and accumulation of civic capital which can later be mobilized as a political pivot. Its positive productivity provides the infrastructure of individual and collective agency.

Together, the mechanisms described in this section point to a key paradox of restrictive migration policies: by closing some legalization opportunities or forcing previously legal residents to fall back into illegality, they increase the ranks of long-term "integrated" undocumented migrants – migrants who only lack papers and whom, once daring to come out, have played leading roles in pro-legalization movements of the past decade (Barron et al. 2011; Nicholls 2013b).

The moral economy of migrant legal deservingness

Equipped with an understanding of citizenship in non–dichotomous terms (Goldring and Landolt, 2013; Ruhs and Anderson, 2010) and a holistic approach to the law-society nexus, recent research has scrutinized the various ways in which undocumented migrants may make themselves "less illegal" – following what we called the "moral economy of illegality" (Chauvin and Garcés–Mascareñas 2012). In cases where few legalization avenues are available, being less illegal mostly boils down to becoming less deportable. In other cases, it is more tightly connected to the prospect of acquiring full legal status (Barron et al. 2011; Nicholls 2013b; Salcido and Menjívar, 2012).

Strategies to become less illegal include the following: not committing petty crimes such as public transportation fraud so as to avoid interaction with the police; not committing serious crime so as to avoid becoming a priority for removal programs; paying taxes and keeping tax receipts; being faithful to one's employer with a view to future sponsorship; keeping the same constructed identity over time so as to build a consistent trail for legalization; being in contact with institutional third parties that may act as grantors and guarantors of deservingness, whether by signing certificates of good conduct or by providing "proofs of presence" to be included in legalization applications (Chabin and Scopsi 2013; Chauvin and Garcés–Mascareñas 2012; Le Courant 2011).

The gradational character of (il)legality can be simultaneously observed at the levels of policy, practice, and migrant perception and is suffused with moral judgments about degrees of (un)deservingness: at the policy level, most "illegal" migrants are not removed, and the bulk of programs officially focus on those who have committed serious crimes[3]; at the level of police practice, local officers tend to make moral distinctions between categories of unauthorized migrants and to designate priority groups for enforcement based on this hierarchy (Leerkes, Varsanyi and Engbersen 2012); migrants and home country communities themselves do not perceive deportation as a consequence of illegality strictly speaking, but as the result of bad luck, laziness, or irresponsible behavior (Alpes 2011).

As it reaches the formal level of political claims and administrative procedures, legalization brings up the issue of the frames through which migrant legal deservingness is asserted (see Paul 2012). Deservingness frames, as they are mobilized by migrants, activists, and government agents, are traversed by several tensions. A first one opposes demands for universal legalization based on mere presence and claims to legal status based on specific situations. On the one hand, claiming legalization on the basis of a particular niche (being a student, a worker, or a parent for example) risks validating and reinforcing the restrictiveness of current migration regimes for those not sharing these same attributes (Nicholls 2013a: 627). On the other hand, although niches can seem to clash at the discursive level, in practice, opening one door has not always meant closing others. The master frame of the "deserving migrant" may even be reinforced by the multiplicity of its deployments and become more readily available for further uses.

Perhaps a more salient tension appears with the opposition between strategies for the acquisition of legal status based on vulnerability and those based on civic performance (Chauvin, Garcés-Mascareñas and Kraler, 2013b). On the one hand, in an era of increasing criminalization of migration, the good candidate for asylum has seemingly become the one who would have preferred *not* to migrate but has come or stayed due to exceptional circum-stances associated with vulnerability. These circumstances include, among others: persecution in one's home country; being an unaccompanied minor; certified medical emergency (Fassin and d'Halluin 2005); and victimization during or after migration (Morando Lakhani 2013). On the other hand, restrictionist policies have also tended to define deserving migrants as those who can demonstrate their integration and contributions as residents (Murphy 2010).

Performance-based deservingness has been particularly emphasized by migrant movements and their supporters. This is well encapsulated in the following slogan from the Dream Act movement in the United States: "We believe people should be asked for their grades, not for their papers." Similarly, France's undocumented migrants recently made claims to legalization on the grounds that they were integrated and productive workers, often employed in the formal economy (Barron et al. 2011). Because this source of legality typically requires the successful performance of formal membership (Chabin and Scopsi, 2013), it tends to be gendered: female migrants are more likely to have worked off the books; they are often 'erased' from bills and other official traces of household life; in the United States, when they wish to adjust their status through marriage, they must hide salaried activity until a work permit has been given (Salcido and Menjívar, 2012, 350–54).

At the same time, performance-based deservingness can itself be ridden with yet a third type of tension, between deservingness based on cultural integration and deservingness based on economic performance (Chauvin, Garcés-Mascareñas and Kraler 2013a). As the ongoing "culturalization of citizenship" results in migrants' linguistic, ideological, and religious allegiances being increasingly scrutinized as indicators of integration (Duyvendak et al., 2010), these requirements are also implicated in legalization politics and policy. Migration rights activists and representational brokers frequently describe migrants in terms that "resonate with the moral and legal norms of the nation" (Nicholls 2013a). In a number of countries, groups of migrants are indeed granted legal status based on "cultural assimilation" and "identification with the State" (Garcés-Mascareñas 2012; Kalir 2010). With such focus on cultural issues, one might have expected economic integration to remain marginal within calculations of civic deservingness. Yet, some civic rituals – such as going on strike in a country like France, where labor conflict is an important trope of national life (Barron et al. 2011) – are sometimes indistinguishably economic and cultural. More importantly, in neoliberal times, gainful employment, self-sufficiency, and the performance of reliability within precarious labor markets, are also framed as key *civic* duties, for citizens as well as for noncitizens. However, employment-based deservingness is not always attributed to workers themselves. In Austria's 2007–2008 legalization program for care workers, *employers* were deemed deserving of keeping "their" migrants (Chauvin, Garcés-Mascareñas and Kraler 2013b).

The contrast between how frames clash at the formal policy and discursive levels, and how they are experienced in practice constitutes another type of tension (Peksen 2013). First, the opposition between demands of "legalization for all" on the one hand (or the more radical "no human being is illegal"), and legalization based on specific criteria or on a "case-by-case" basis on the other, which has often torn immigrant movements apart (Nicholls 2013a), tends to blur at the level of practice. Indeed, regularization applications are always examined individually by authorities, and activists in favor of universal legalization often help migrants with their personal cases even when this means embracing a logic of individual deservingness. Second, the "vulnerability" and "performance" niches that can be identified in discourse and administrative procedures often do not actually refer to distinct categories of persons but to different framing strategies by the same groups of migrants, which are contingent on changes in the political opportunity structure. Migrants do not only adjust their stories, but they also perform real practical and ethical changes in their lives and aspirations, thus illustrating the "transformative effects of immigration law" (Menjívar and Morando Lakhani, n. d). Yet, the policy frame of vulnerability translates poorly at the level of migrants' subjective experiences and day-to-day presentations of their selves (see Cvajner 2012): as obtaining legal status often requires complex and lengthy procedures, it is typically lived as a reward for hard work and an achievement based on successful performance – including, in the case of refugee status and humanitarian legalization, the successful performance of vulnerability (Kim 2013).

Frame discrepancy can pose serious challenges to real-life migrants, for example, when a "vulnerability" frame dominates as a necessary passage for obtaining a "tolerated" status (such as with the *Duldung* in German municipalities) but is subsequently replaced by an opposite "performance" frame (such as good integration or having a job contract) once the same person aims to be granted a less precarious legal status. In one French study, a migrant constructed two different administrative identities with two separate paper trails based on hopes of either getting refugee status or benefiting from employment-based legalization programs (Le Courant 2011). The work of immigration attorneys is also challenging when proofs of victimization and civic integration are *simultaneously* required for accessing certain forms of humanitarian legalization, such as the U visa in the United States (Morando Lakhani 2013). As for undocumented students applying to the Deferred Action for Childhood Arrivals (DACA) program, they must prove they are innocent victims of their parents' migration while also demonstrating they are contributing citizens and performing students (Nicholls 2013b).

Moreover, the same elements of citizenship can result in contradictory symbolic framings. Formal proofs of integration risk revealing precarious lives and biographical failings such as work absenteeism, bad grades, or unpaid bills (Chabin and Scopsi, 2013) and might even provide a hold for detection and deportation (Chauvin and Garcés-Mascareñas 2012). The increased internal controls of immigration, welfare, and labor authorities have not always driven migrants into the underground; they have also led them to commit more illegal acts (such as fraud) in order to maintain a level of formalized existence. Such practical contradictions in the architecture of concrete incorporation structure the tensions traversing the politics of migrant deservingness while insuring that the symbolic struggles they occasion remain open, and their outcome uncertain.

Conclusion: deservingness and danger

This article describes key dimensions of the incorporation of unauthorized migrants into their societies of residence. It shows how some aspects of integration allow migrants to make themselves "less illegal," whether by becoming less detectable or less deportable, by gaining more legitimacy for making claims in the political realm or by successfully obtaining formal legalization. Because the politics of legalization bring the question of deservingness to the foreground, we examined the different frames promoted by migrant advocates and legalization programs as legitimate avenues towards legality. These frames define a set of distinct legal constraints, administrative tracks, presentation strategies, and life-altering practices. Finally, we insisted on potential tensions between frames at different levels.

The important paradox identified by Susan Coutin (2000; 2005), according to which life lived in illegality is subsequently utilized as an argument for regularization, is intensified when governments aim to make migration policy more restrictive; the more severe criteria for legalization are, the more they appear to be "rewarding illegality" (by requiring a longer duration of stay or exceptional integration, for example). The very closure of legalization opportunities thus intensifies the hierarchy between the "very deserving" and the undeserving. The moral gradation in illegality is partially a product of repression itself.

Definitions of civic deservingness typically apply to a far larger group than just immigrants and cover the entire nation. Yet, they weigh harder on migrants, especially when the latter hold precarious legal statuses: as "tolerated citizens," migrants are thus turned into guardians of good citizenship (Anderson 2013). In this context, states cannot easily shift policy frames as their attention turns from citizens to migrants, by requiring different types of virtues from each group. This is nowhere more visible as with neoliberal

constructions of employment: if work is the *duty* of all citizens, restrictionist governments must spend a high amount of discursive inventiveness to simultaneously turn it – when dealing with migrants – into a privilege only accessible to citizens (Chauvin, Garcés-Mascareñas and Kraler 2013a).

As states cannot entirely control the extensiveness of their own definitions, they may simultaneously promote deservingness frames and limit migrant access to them, whether by preventing immigrants from becoming "too integrated" (too many years of presence, too much of a social network, and too strong a claim to cultural literacy) or from being recognized as vulnerable. Because what makes us deserving may also make us dangerous from the point of view of migration control, states may thus increasingly restrict the "right to deserve" and effectively turn it into a civic privilege.

Short Biographies

Sébastien Chauvin is assistant professor at the Department of Sociology and Anthropology of the University of Amsterdam and a researcher at the Amsterdam Institute for Social Science Research. He was a visiting lecturer at the University of Chicago from 2003 to 2006 and a lecturer in sociology at the Université Paris 1-Panthéon Sorbonne from 2006 to 2008. He conducted in-depth ethnographic fieldwork with mostly undocumented Hispanic immigrant day laborers in the Chicago region, including the staffing industry that employed them, and the social movements in which they mobilized, as part of his PhD dissertation (EHESS Paris, 2007). Since late 2007, he has been working on a collective study exploring the labor market experience and following the union-supported mobilization of undocumented immigrant workers in France. His main research deals with the relationship between civic inequality and precarious work. He also keeps an active interest in gender and sexuality studies, social capital and the sociology of elites, social theory, and the sociology of knowledge. He is the author of a number of articles and book chapters, as well as *Les agences de la précarité. Journaliers à Chicago* (Paris: Le Seuil, 2010), *Introduction aux gender studies* (with L. Bereni, A. Jaunait, and A. Revillard ; Brussels : De Boeck, 2008), and *On bosse ici*, *on reste ici*: *La grève des sans-papiers*: *une aventure inédite* (with P. Barron, A. Bory, N. Jounin, and L. Tourette ; Paris : La découverte, 2011).

Blanca Garcés-Mascareñas is researcher at GRITIM – Department of Political and Social Sciences of the Universitat Pompeu Fabra (UPF) in Barcelona. She graduated with degrees in History and Anthropology in the University of Barcelona and holds a PhD cum laude in Social Sciences (2010) from the University of Amsterdam. Her PhD thesis, which has been awarded the Dutch Sociological Association (NSV) biennial prize for the best dissertation in the Netherlands, analysed immigration policies in Malaysia and Spain. Blanca has also worked on immigration and integration policies in the Netherlands, political discourses on immigration in Spain and, together with Sébastien Chauvin, on a theoretical conceptualisation of the irregular immigrant from a comparative perspective. Along with a number of articles, book chapters, and reports, she is the author of *Labour Migration in Malaysia and Spain, Markets, Citizenship and Rights* (Amsterdam: Amsterdam University Press, 2012), *Research and Migration. Filling Penninx' heuristic model* (*with A.van Heelsum*; Amsterdam: Amsterdam University Press) and *Immigració a Catalunya: una perspectiva municipal* (with R. Zapata-Barrero; Barcelona: ACM, 2011).

Notes

* Correspondence address: Sébastien Chauvin, Department of Sociology and Anthropology, University of Amsterdam, Oudezijds Achterburgwal 185, 1012DK Amsterdam, The Netherlands. E-mail: chauvin@uva.nl

[2] Yen Le Esperitu (2003: 46–49) offers a close elaboration about the "differential inclusion" of Filipino migrants in the United States.

[3] It should be noted, however, that more restrictive policies may expand the definition of "deportable crimes" to an increasing array of infractions previously deemed to be civil infractions, including those relative to immigration law.

References

Abrego, Leisy. 2011. 'Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims Making for First and 1.5 Generation Immigrants.' *Law & Society Review* **45**(2): 337–370.

Alpes, Jill. 2011. Bushfalling: How Young Cameroonians Dare to Migrate, Ph.D. Dissertation, University of Amsterdam.

Ambrosini, Mauricio. 2013. *Irregular Migration and Invisible Welfare*. Basingstoke: Palgrave-MacMillan.

Anderson, Bridget. 2013. *Us and Them? The Dangerous Politics of Migration Control*. Oxford: Oxford University Press.

Bakker, Matt. 2011. 'Mexican Migration, Transnationalism, and the Re-scaling of Citizenship in North America.' *Ethnic and Racial Studies* **34**(1): 1–19.

Barron, Pierre, Anne Bory, Sébastien Chauvin, Nicolas Jounin and Lucie Tourette. 2011. *On bosse ici, on reste ici! La grève des sans-papiers, une aventure inédite*. Paris: La Découverte.

Bloch, Alice. 2013. 'The Labour Market Experiences and Strategies of Young Undocumented Migrants.' *Work Employment & Society* **27**(2): 272–287.

Bommes, Michael. 2012. 'Illegal migration in modern society.' Pp. 157–175 in *Collected Essays of Michael Bommes*, edited by Christina Boswell and Gianni d'Amato. Amsterdam: Amsterdam University Press.

Broeders, Dennis and Godfried Engbersen. 2007. 'The Fight Against Illegal Migration Identification Policies and Immigrants' Counterstrategies.' *American Behavioral Scientist*, **50**(12): 1592–1609.

Calavita, Kitty. 2005. *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*. Cambridge: Cambridge University Press.

Caplan, Jane and John C. Torpey. 2002. '*Documenting Individual Identity: The Development of State Practices in the Modern World*.' Princeton: Princeton University Press.

Chabin, Anne-Marie and Claire Scopsi. 2013. 'Proof of residence in France: from paper to digital evidence.' Paper presented at the *Brokering Human Security* conference. Paris: Sciences-Po.

Chavez, Leo. 1991. 'Outside the Imagined Community: Undocumented Settlers and Experiences of Incorporation.' *American Ethnologist* **18**(2): 257–278.

Chauvin, Sébastien. 2010. *Les agences de la précarité. Journaliers à Chicago*. Paris: Seuil.

Chauvin, Sébastien and Blanca Garcés-Mascareñas. 2012. 'Beyond Informal Citizenship: The New Moral Economy of Migrant Illegality.' *International Political Sociology* **6**(3): 241–259.

Chauvin, Sébastien, Blanca Garcés-Mascareñas and Albert Kraler. 2013a. 'Introduction: Employment and Migrant Deservingness.' *International Migration* **51**(6): 80–85.

Chauvin, Sébastien, Blanca Garcés-Mascareñas and Albert Kraler. 2013b. 'Working for Legality: Employment and Migrant Regularization in Europe.' *International Migration* **51**(6): 118–131.

Coutin, Susan. 2000. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Arbor: University of Michigan Press.

Coutin, Susan. 2005. 'Contesting Criminality: Illegal Immigration and the Spatialization of Illegality.' *Theoretical Criminology* **1**(9): 5–33.

Cvajner, Martina. 2012. 'The Presentation of Self in Emigration Eastern European Women in Italy.' *The Annals of the American Academy of Political and Social Science*, **642**(1): 186–199.

Cvajner, Martina and Giuseppe Sciortino. 2010. 'Theorizing Irregular Migration: The Control of Spatial Mobility in Differentiated Societies.' *European Journal of Social Theory* **13**(3): 389–404.

De Genova, Nicholas. 2002. Migrant Illegality and Deportability in Everyday Life. *Annual review of anthropology* **31**: 419–447.

De Genova, Nicholas and Nathalie Peutz. 2010. *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham: Duke University Press.

Duyvendak, Jan Willem, Menno Hurenkamp and Evelyn Tonkens. 2010 'Culturalization of Citizenship in the Netherlands.' Pp. 233–252 in *Managing Ethnic Diversity After 9/11. Integration, Security, and Civil Liberties in Transatlantic Perspective*, edited by P. A.C. d'Appollonia and S. Reich. London: Rutgers University Press.

Engbersen, Godfried, Marion Van San and Arjen Leerkes. 2006. 'A Room with a View: Irregular Migrants in the Legal Capital of the World.' *Ethnography* **7**(2): 209–242.

Espiritu, Yen Le. 2003. *Home Bound: Filipino American Lives Across Cultures, Communities, and Countries*. Berkeley: University of California Press.

Fassin, Didier and Estelle d'Halluin. 2005. 'The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers.' *American Anthropologist* **107**(4): 597–608.

Garcés-Mascareñas, Blanca. 2012. *Labour Migration in Malaysia and Spain: Markets, Citizenship and Rights*. Amsterdam: Amsterdam University Press.

Gleeson, Shannon and Roberto Gonzales. 2012. 'When Do Papers Matter? An Institutional Analysis of Undocumented Life in the United States.' *International Migration* **50**(4), 1–19.

Goldring, Luin and Patricia Landolt (eds) 2013. *Producing and Negotiating Non-citizenship: Precarious Legal Status in Canada*. Toronto: University of Toronto Press.

Gonzales, Roberto. 2011. 'Learning to be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood.' *American Sociological Review* **76**: 602–619.

Jounin, Nicolas. 2008. *Chantier interdit au public: enquête parmi les travailleurs du bâtiment*. Paris: La découverte.

Jones, Maggie. 2010. 'Coming Out Illegal.' *New York Times*, October 21.

Kalir, Barak. 2010. *Latino Migrants in the Jewish State: Undocumented Lives in Israel*. Bloomington: Indiana University Press.

Kim, Jaeeun. 2013. 'Seeking Asylum, Finding God: Unauthorized Migration, Ethnic Church, and Conversion for Immigration Purposes.' Presented at *Interdisciplinary Encounters in Religion*, *Law, and Ethics Conference*, University of California, Irvine.

Kyle, David and Christina A. Siracusa. 2005. 'Seeing the State Like a Migrant. Why So Many Non-criminals Break Immigration Laws.' Pp. 153–176 in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, edited by Willem van Schendel and Itty Abraham. Bloomington: Indiana University Press.

Le Courant, Stéphane. 2011. 'How to be a File? Constructing 'Evidences of Presence' for Undocumented Migrants in France.' Paper given at the annual meeting of the American Anthropological Association, Montréal, Québec.

Leerkes, Arjen, Monica Varsanyi and Godfried Engbersen. 2012. 'Local Limits to Migration Control Practices of Selective Migration Policing in a Restrictive National Policy Context.' *Police Quarterly* **15**(4): 446–475.

Marrow, Helen. 2009. 'Immigrant Bureaucratic Incorporation: The Dual Roles of Professional Missions and Government Policies.' *American Sociological Review* **74**(5): 756–776.

Menjívar, Cecilia. 2006. 'Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States.' *American Journal of Sociology* **111**(4): 999–1037.

Menjívar, Cecilia and Sarah Morando Lakhani. n.d. 'Transformative Effects of Immigration Law: Migrants' Personal and Social Metamorphoses Through Regularization.' Unpublished paper under review.

Morando Lakhani, Sarah. 2013. 'Producing Immigrant Victims' 'Right' to Legal Status and the Management of Legal Uncertainty.' *Law & Social Inquiry*, forthcoming.

Murphy, Cliodhna. 2010. 'The Concept of Integration in the Jurisprudence of the European Court of Human Rights.' *European journal of migration and law* **12**(1): 23–43.

Ngai, Mae. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.

Nicholls, Walter. 2013a. 'Fragmenting Citizenship: Dynamics of Cooperation and Conflict in France's Immigrant Rights Movement.' *Ethnic and Racial Studies* **36**(4): 611–631.

Nicholls, Walter. 2013b. *The Dreamers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*. Stanford: Stanford University Press.

Noiriel, Gérard, ed. 2007. *L'identification. Genèse d'un travail d'État*. Paris: Belin.

Paul, Regine. 2012. 'Limits of the Competition State? The Cultural Political Economy of European Labor Migration Policies.' *Critical Policy Studies* **6**(4): 379–401.

Peksen, Mert. 2013. "*A Conceptual Discussion of Forced Migration: A Case Study of Displacement of Kurds in Turkey During the 1990s.*" Diemen: AMB.

Pijpers, Roos and Martin Van Der Velde. 2007. 'Mobility Across Borders: Contextualising Local Strategies to Circumvent Visa and Work Permit Requirements.' *International Journal of Urban and Regional Research* **31**(4): 819–835.

Pincetl, Stephanie. 1994. 'Challenges to Citizenship: Latino Immigrants and Political Organization in the Los Angeles Area.' *Environment and Planning A* **26**: 895–914.

Reyneri, Emilio. 1998. 'The Role of the Underground Economy in Irregular Migration to Italy: Cause or Effect?' *Journal of Ethnic and Migration Studies* **24**(2): 313–31.

Ruhs, Martin and Bridget Anderson. 2010. "Semi-compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants, Employers and the State in the UK." *Population, space and place* **16**(3): 195–211.

Sadiq, Kamal. 2008. *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries*. Oxford: Oxford University Press.

Salcido, Olivia and Cecilia Menjívar. 2012. 'Gendered Paths to Legal Citizenship: The Case of Latin-American Immigrants in Phoenix, Arizona.' *Law & Society Review* **46**(2): 335–368.

Samers, Michael. 2003. 'Invisible Capitalism: Political Economy and the Regulation of Undocumented Immigration in France.' *Economy and Society* **32**(4): 555–583.

Sassen, Saskia. 2002. 'Towards Post-National and Denationalized Citizenship.' Pp. 277–292 in *Handbook of Citizenship Studies*, edited by Engin Isin and Bryan S. Turner. London: Sage.

Sciortino, Giuseppe. 2004. 'Between Phantoms and Necessary Evils. Some Critical Points in the Study of Irregular Migration to Western Europe.' *IMIS-Beitrage* **24**: 17–44.

Sedgwick, Eve. 1990. *Epistemology of the closet*. Berkeley and Los Angeles: University of California Press.

Seif, Hinda. 2011. 'Unapologetic and Unafraid': Immigrant Youth Come Out from the Shadows.' *New Directions for Child and Adolescent Development* **134**: 59–75.

Terriquez, Veronica. 2012. 'Civic Inequalities? Immigrant Incorporation and Latina Mothers' Participation in their Children's Schools.' *Sociological Perspectives* **55**: 663–682.

Varsanyi, Monica. 2006. 'Interrogating 'Urban Citizenship' vis-à-vis Undocumented Migration.' *Citizenship Studies* **10**(2): 229–249.

van Der Leun, Joanne. 2006. "Excluding Illegal Migrants in The Netherlands: Between National Policies and Local Implementation." *West European Politics* **29**(2): 310–26.

van Schendel, Willem and Itty Abraham (eds) 2005. *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*. Bloomington: Indiana University Press.

Van Walsum, Sarah. 2011. 'The (Non)Regulation of Domestic Work in the Netherlands.' *Canadian Journal of Women and the Law* **23**(1): 141–165.

Vasta, Ellie. 2011. 'Immigrants and the Paper Market: Borrowing, Renting and Buying Identities.' *Ethnic and racial studies* **34**(2): 187–206.