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EXCLUSION AND
MIGRATION:
BY WHOM, WHERE,
WHEN, AND HOW?

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Exclusion and Migration: by whom, where, when, and how?¹

Marie-Claire Foblets, Luc Leboeuf, Zeynep Yanasmayan²

Abstract

This working paper aims to present the common research framework elaborated in the context of the research initiative ‘The Challenges of Migration, Integration and Exclusion’ (WiMi) that gathers researchers from the Max Planck Institutes for Comparative Public Law and International Law (Heidelberg), Demographic Research (Rostock), Social Law and Social Policy (Munich), Human Development (Berlin), Social Anthropology (Halle), and the Study of Religious and Ethnic Diversity (Göttingen). The working paper starts with the presentation of our mapping of recent research projects on migration in the social sciences and in law. The mapping reveals the multidisciplinary nature of migration research, its responsiveness to public debates, and its fragmentation along different categories of migrants, which usually correspond to their nationality/ethnicity or legal status. In the second part, the working paper explains the guiding principles of the WiMi initiative, namely commitment to multidisciplinary research, avoidance of groupist designs and use of the concept of ‘exclusion’ as an analytical lens which sheds light on the multifaceted dimensions, which cross and co-constitute each other. Following a brief overview of how exclusion has been studied thus far in the migration literature, the working paper lays out the analytical framework we have developed to study exclusion in its continuum with inclusion. The aim is to arrive at a more sophisticated understanding of exclusion mechanisms and bring to the fore the interdependencies and interactions among the many facets of this comparatively understudied phenomenon. With this intention in mind, the working paper elaborates a multi-dimensional research framework that rests on analytically separating the exclusion of migrants into six constitutive elements: actors, acts, moments, representations, areas of exclusion, and reactions against exclusion. We contend that there are a variety of state and non-state *actors* that engage in exclusionary *acts* in specific *areas* at certain *moments*. Such exclusionary acts are produced and reproduced by *representations* of exclusion and contested by *reactions* against exclusion.

¹ The authors of this working paper acknowledge the collaborative thinking and drafting that has gone into our analytical framework and would like to extend their gratitude to: Günther Schlee, Ayelet Shachar, Steven Vertovec, Andreas Edel, Deepra Dandekar, Constantin Hruschka, Christian Hünkler, Silvia Loi, Anne Menzel, Soňa Mikulova, Zahir Musa Abdal-Kareem, Anna Oksuzyan, Margrit Pernau, Tim Rohmann, Tabea Scharrer, Miriam Schader, Magdalena Suerbaum, Daniela Vono de Vilhena, and Catharina Ziebritzki. The authors are also very grateful to the reviewers Nina Glick Schiller and Katja Bianchini for their encouraging and critical comments.

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Introduction

Mobility is inherent in human experience, for we have always been on the move to escape conflicts and disasters or simply to seek a better life. However, particularly after the emergence of nation-states in Europe, the prevalent imaginary has been that culturally homogenous entities made up of sedentary citizens. As such, since the late eighteenth century the figure of citizen has been one characterized by fixity and uniformity within the nation-state (Cresswell 2013). It is precisely this conception of citizenship that is increasingly challenged by international migration.

While Europe has experienced different kinds of migration at various junctures in its history, the ‘migration crisis’ of 2015 has once again drawn attention to and quite emphatically placed political membership in Europe (and the limits thereof) back on the agenda. 2015 saw the arrival of record numbers of asylum seekers, and this influx continues to have powerful repercussions, dividing Europeans between solidarity with those in need and fear for their own identity and economic resources. Germany, which welcomed a large number of asylum seekers following Chancellor Angela Merkel’s famous pronouncement “*Wir schaffen das!*” (“We can manage this!”), has not been immune to this phenomenon, as is illustrated by the spontaneous emergence of solidarity movements and grassroots organizations welcoming migrants as well as the rise of anti-immigration political discourses and the success of populist political parties emphasizing national identity. The current political climate proves again the porosity of the boundaries of inclusion and exclusion, which do not rest on a clear-cut distinction but rather evolve along a complex continuum and vary depending on temporalities and spheres of life.

In light of this heated climate, the Max Planck Society decided to bring together the expertise acquired in the field of migration by several of its institutes to create a common research initiative, ‘The Challenges of Migration, Integration and Exclusion’ (WiMi). WiMi gathers researchers from the Max Planck Institutes for Comparative Public Law and International Law (Heidelberg), Demographic Research (Rostock), Social Law and Social Policy (Munich), Human Development (Berlin), Social Anthropology (Halle), and the Study of Religious and Ethnic Diversity (Göttingen). It was launched with the objective of contributing scholarly knowledge to current public and academic debates on migration.

This working paper aims to present the common research framework elaborated in the context of the WiMi research initiative, which is a collective undertaking made possible through the involvement of all partners from the very earliest stages. It highlights our research focus, namely the exclusion of migrants, how and why this focus was selected, and how we intend to study it.

The first part of the working paper presents the lessons we drew from mapping current and recent research projects on migration in the social sciences and in law. The mapping was conducted at the Max Planck Institute for Social Anthropology following the methodology described below. Despite the current frenzy caused by the most recent wave of migration, neither migration to Europe nor the scholarly interest in migration is new. This examination of the research landscape on migration was intended to provide us with a basis for building our common research framework in a way that accounts for and gains from the scientific knowledge on migration accumulated over time.

The second part of the working paper starts by explaining the guiding principles of our initiative on the basis of the lessons drawn from our mapping. It particularly underlines our focus on exclusion rather than on the more frequently and explicitly addressed topic of integration. It then turns to how exclusion has been studied thus far in the migration literature. This brief overview is

followed by an outline of the analytical framework we have developed to study exclusion as part of a continuum with inclusion, which sheds light on the multifaceted ways these two phenomena cross and co-constitute each other. Drawing on another lesson from our mapping exercise, which shows a clear trend towards cooperation among various disciplines but also difficulties in establishing a true interdisciplinary dialogue, we have elaborated a multi-dimensional research framework that rests on analytically separating the exclusion of migrants into six constitutive elements: actors, acts, moments, representations, areas, and reactions. The objective of the framework is to enhance cooperation and dialogue among the participating research teams while still enabling each of the disciplines involved to apply their particular methodologies to the study of the exclusion of migrants.

1. The Research Landscape

The research on migration to Europe has more often than not reflected migration trends and has tended to grow over time, spanning a wide range of disciplines, including anthropology, geography, humanities, political sciences, sociology, and law. There have been, however, few attempts to get an overall picture of the burgeoning research on migration. We have noted two significant exceptions (Kleist 2017; Yalaz and Zapata-Barrero 2017),³ both of which also confirm the trends we have identified. There is, furthermore, no central German or European directory that provides comprehensive information on all current and recent migration-related research projects.⁴

In order to address this lacuna, we carried out an investigation to identify existing research projects on migration in the social sciences and in law. For the purposes of the mapping, we relied on a positivist rather than pluralist understanding of the law, i.e., taking the law as comprised of rules produced by a state-sponsored system at the national, EU, and/or international level. We focused on research projects led by lawyers on the premise that this would give us a better understanding of research on the positivist legal framework on migration. Research conducted by other social scientists on various social rules of behaviour, while certainly ‘normative’ in the broad sense, was not included in the legal part of the mapping. As for social sciences, a relatively wide definition that includes sociology, political science, anthropology, demography, and the humanities – but excludes economics and geography – was employed.

The mapping was limited to research projects that were ongoing or completed between 2010 and 2016.⁵ The thematic focus was on the movement of people from third countries to the EU. Studies on intra-EU mobility were not considered. Moreover, research that dealt incidentally with migration, such as projects addressing broad human rights issues, was not included. As the WiMi project originated out of the need to respond to the ‘migration crisis’ in Germany, our mapping of

³ *Flucht: Forschung und Transfer Policy Brief 1*, produced by the Institute for Migration Research and Intercultural Studies at Osnabrück University and Bonn International Center for Conversion, covers recent projects in Germany that focus on refugee migration. Available online at: <https://flucht-forschung-transfer.de/wp-content/uploads/2017/05/FFT-PB1-Kleist-Flucht-und-Flu%CC%88chtlingsforschung-in-Deutschland.pdf> (accessed on 1 September 2017). The recent working paper of GRITIM, an interdisciplinary research group on migration at Universitat Pompeu Fabra (Spain), on the other hand, focuses on mapping qualitative migration research in Europe on the basis of two leading journals in the field, namely *Journal of Ethnic and Migration Studies* (JEMS) and *Ethnic and Racial Studies* (ERS).

⁴ Netzwerk Flüchtlingsforschung offers an overview of their members’ projects (see <http://fluechtlingsforschung.net/projekte/>); however, they specifically focus on migration by asylum-seekers.

⁵ The mapping of law projects was performed by Alexander Hassler (for Germany) and Luc Leboeuf (for the EU). The mapping of social science projects was conducted by Anne Menzel. Alexander Hassler was a law student at Martin Luther University Halle-Wittenberg. Luc Leboeuf is a Belgian researcher in law. Anne Menzel is a German researcher in anthropology.

social science projects only covered research based in Germany. Research projects were only mapped if they were of a sufficiently large scale, defined as involving at least one researcher and lasting at least one year. However in law our mapping covered the EU as a whole, because migration law and particularly asylum law is increasingly Europeanised. Because of this larger geographical scope, only projects involving at least two researchers were included. Larger studies realized by think-tanks or national and EU institutions and agencies were also taken into consideration with a view to fleshing out the picture and confirming the identified trends. This gave us a total of 367 projects, of which 257 belonged to the social sciences and 110 to law. In this working paper we provide extensive footnote references to the projects.

The mapping exercise was realised through an online search of the websites of the main universities and research institutes. We faced significant difficulties in identifying the relevant research projects. These included linguistic obstacles, as the authors have sufficient command only of English, German, and French, which explains why very few research projects from Member States in the southern and eastern regions of the EU were included. Another obstacle was the variety of ways that academics advertise their work. Some universities and research institutes advertise their research projects widely using websites, reports, and open publications. Others disseminate their findings through various closed publications. Moreover, the term ‘research project’ is not always understood the same way. Some consider every academic activity to be a ‘research project’; others use the term only in reference to longer-term academic work. The mapping was also necessarily influenced by the academic environment of the researchers who conducted it, as the principal way to offset the lack of a central directory of research was to rely on their own networks.

Considering these limitations, the mapping does not claim to be comprehensive. Nevertheless, it was performed on a sufficiently large scale to provide an overview of the main trends in current research on migration. Three lessons emerged from the mapping exercise. First, with respect to the methodology, there is a clear trend towards multidisciplinary. Even though mixed-method studies remain scarce, there is a strong tendency to include different disciplines within a single research project. Second, with respect to the thematic areas, the current research landscape is ‘responsive’; it closely follows public debates on migration. Third, with respect to content, most studies focus on one category of migrant, often identified on the basis of legal status or nationality. We shall address each of these ‘lessons’ in turn.

1.a. The Research Landscape is Multidisciplinary

Multidisciplinarity is becoming the norm in migration research. Most research projects we mapped bring together more than one discipline. Political scientists, sociologists, and anthropologists often join forces, leading to the emergence of a multifocal migration literature that blurs disciplinary boundaries. Legal research is also increasingly associated with sociology, anthropology, political sciences, and sometimes even history and economics. By contrast, research projects in demography and the humanities tend to remain within their disciplinary boundaries.

That is not to say, however, that research on migration largely rests on mixed methods. Aside from the exceptions detailed below, there is more *multidisciplinarity* than *interdisciplinarity*; various disciplines are used side by side and rely on the insights of their respective fields to clarify the research material and/or to enrich the outcome of the research, but they tend not to mix their

methodologies. Among the social sciences, the qualitative/quantitative divide remains strong. Similarly, the law is rarely mixed with other disciplines.

While growing multidisciplinary is certainly welcome, as migration can only be understood in all its complexity from a perspective that engages various disciplines, it also introduces new challenges: how can disciplines with sometimes very different methodologies enter into dialogue with one another and produce robust common findings without weakening the strengths of each individual discipline? How can researchers from different academic backgrounds enter into a fruitful dialogue while respecting the methodological rules governing their disciplines?

1.a.(i) Social Sciences

Our mapping reveals a rich landscape of scholarship from a wide range of disciplines that engage with the topic of migration. In our analysis, we divided these disciplines into three categories. The first category comprises sociology, political science, and anthropology. When it comes to migration research, the boundaries between these disciplines are considerably blurred: the projects are hosted by interdisciplinary research institutes and/or teams. The second and third categories are made up of projects from the humanities and demography, which tend to be more limited in their disciplinary scope.

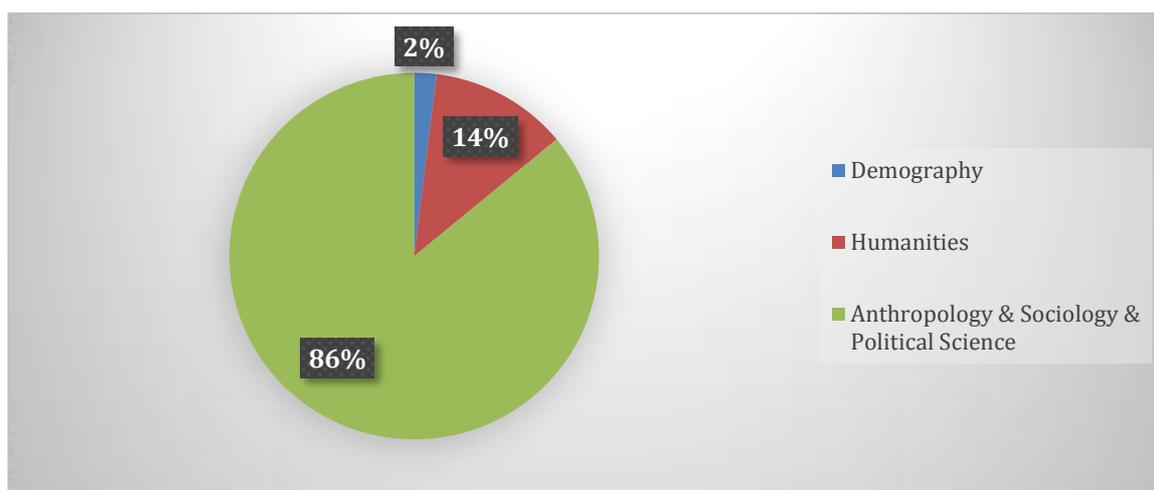


Figure 1. Disciplines mapped

As Figure 1 shows, the smallest category is demographic studies, constituting only a very small portion of the work mapped (less than 2 per cent). This could indicate a sampling error in our mapping methodology, but it might also stem from the fact that demographic studies tend to remain within the disciplinary boundaries, less often engaging in interdisciplinary endeavours. This often renders demographic research less visible to migration scholars. The demographic studies covered by our mapping exercise are typically preoccupied with estimating migration rates and determinants through survey and register data.

Examples of demographic studies: Typical examples of demographic projects include *Demographic Perspectives on Migration*; *Estimation of Migration Rates from Survey Data* conducted at the Max Planck Institute for Demographic Research. Similarly, making use of the Migrations between Africa and Europe (MAFE) data, the project *Estimation of Migration*

Rates from Survey Data aims to develop a method to estimate emigration rates from the sending country survey data, while *Empirical Studies Relating Migration to Other Life-Cycle Events Using MAFE Data* seeks to understand the relationship between migration decisions and other significant life events such as marriage.

One interesting exception that is more interdisciplinary in nature is the study *Demographisation of the Political? An Intersectional Analysis of German Family and Migration Policy since the Mid-1990s* (Goethe University Frankfurt am Main), which additionally uses qualitative interviews to analyse the increasing importance of demographic knowledge in German family and migration policies.

In the humanities projects, two sub-categories can be identified. The first includes projects that focus on migration in combination with a genre of art, be it literature,⁶ film,⁷ theatre,⁸ music,⁹ or a combination of these genres.¹⁰ The second category contains historical studies from a wide range of geographical regions (e.g., Russia,¹¹ the Americas,¹² and the Ottoman Empire/Turkey¹³) and epochs (from the early Middle Ages¹⁴ to much more recent investigations). However, as Yalaz and Zapata-Barrero (2017: 11) also point out, historical research remains ‘at the margins of migration studies’.

Examples of studies in the humanities: Of particular significance to us here are projects that concentrate on recent German history and that directly engage with topics of interdisciplinary interest. For instance, the research project *Administrating Illegality*¹⁵ at Paderborn University, which seeks to describe and explain the causes, consequences, and nature of illegal migration in Germany from 1815 to 1989/90, lends itself nicely to the type of research undertaken by legal and political science scholars. Similarly, the project at the University of Tübingen that analyses German asylum debates from 1989 to 1993 offers important background to contemporary social studies.¹⁶ One could also count among these more interdisciplinary studies the project conducted at Kiel University on the economic integration of expellees and their effects on the West Germany economy between 1945 and 1970.¹⁷

In anthropology, sociology, and political science, which are here treated as a single category not least because of the difficulty of locating projects neatly under one of these disciplines, we notice that methodological differences are more relevant than disciplinary ones. Figure 2 below clearly shows the divide among these projects between the two dominant approaches, namely qualitative and quantitative, with mixed methods being more the exception than the norm. Yalaz and

⁶ Bielefeld University: *Narrating Migration: The Experience of Migration in Contemporary British Prose Fiction*.

⁷ Freie Universität Berlin: *Migration between Melodrama and Comedy: Turkish German Media Formats and their Sense of Commonality*.

⁸ Freie Universität Berlin: *Emotion and Relationality in Different Forms of (Post-)Migrant Theater*.

⁹ Bielefeld University: *Between Spanish Harlem, Funky Colón, and Black Rio: Soul, Migration of Music, and Translocal Identity Constructions in the Black Power Era (1965–1975)*.

¹⁰ Goethe University Frankfurt: *Migration and Transcultural Memory: Literature, Film and the Social Life of Media*.

¹¹ University of Göttingen: *Migration in Tsarist Russia, 1830s to 1914*.

¹² Ludwig-Maximilians-Universität München: *Migration Regimes in Spanish America (1759–1808)*.

¹³ Ludwig-Maximilians-Universität München: *Early Modern Multi-Denominationalism ‘East’ vs. ‘West’? A Comparative Analysis on the Ottoman Empire and Venice in the 17th and 18th Centuries*; Universität Hamburg: *Migration, Siedlungspolitik und jüdische Gemeinden in der Republik Türkei 1918–1942*.

¹⁴ University of Tübingen: *Humans and Resources in the Migration Period and the Early Middle Ages: Anthropological and bioarchaeological analyses of the use of food resources and the detection of migrations*.

¹⁵ Paderborn University: *Administrating Illegality: Migration and Rights of Residence in the Context of Illegality in Germany from 1815 to 1989/90*.

¹⁶ University of Tübingen: *Die bundesdeutsche Asyldebatte von 1989 bis 1993: Konstruktion, Wahrnehmung und Instrumentalisierung einer ‘bedrohten Ordnung’*.

¹⁷ Kiel University: *The Economic Integration of Expellees and their Effects on the West Germany Economy, 1945–70*.

Zapata-Barrero's (2017: 12) mapping arrives at exactly the same figure, namely 10 per cent, suggesting that this is a fairly accurate representation of the methodological trends.

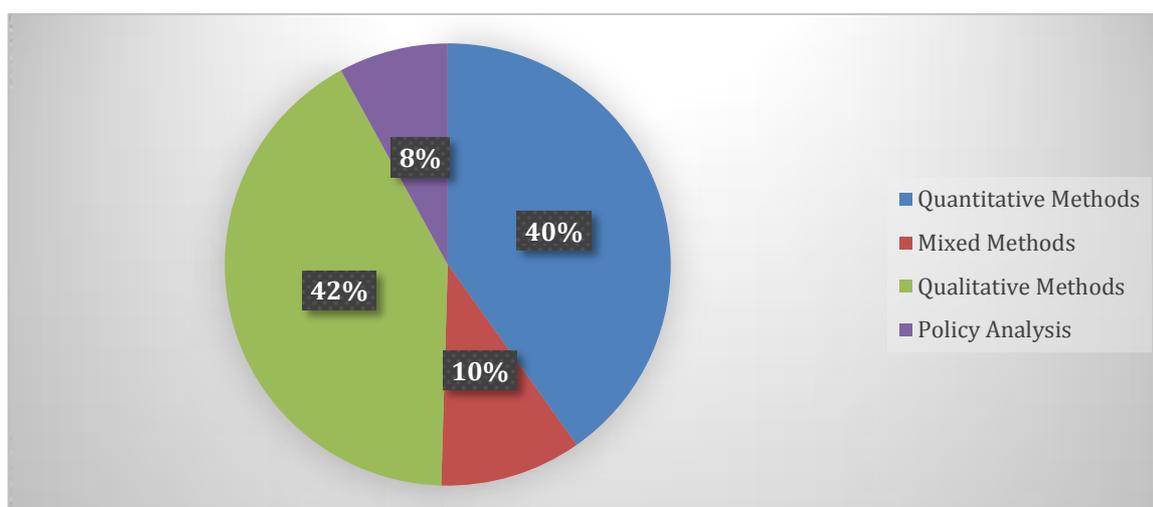


Figure 2. Distribution of Methodological Approaches

A juxtaposition of methodological approaches with thematic areas further shows that certain topics are almost exclusively studied from a particular methodological angle.

Examples of projects based on a single methodology: All the projects mapped that deal with the language acquisition of migrants make use of quantitative methods.¹⁸ Similarly, studies concentrating on the perceptions of the ‘majority society’ and the attitude towards immigrants¹⁹ as well as on the economic integration of immigrants²⁰ very often employ quantitative methodologies. On the flip side of the coin, topics such as migrants’ cultural integration and self-identification,²¹ which most likely require deeper engagement with migrants’ lives, are often studied using qualitative methods. Additionally, new migration

¹⁸ BAMF Research Centre: *Explaining Differences in Second Language Acquisition, The Progress of the Integration of Integration Course Participants; The Progress of the Integration of Literacy Course Attendees*; Friedrich Schiller University Jena: *Language Learning and Migration*; University of Bamberg: *The Role of Immigrants’ First and Second Language Proficiency for Social Integration, Particularly in Education: Analyses of NEPS Data*; University of Münster: *Context Effects of Preschools: Children’s Language Skills at School Entry*.

¹⁹ See, e.g., Berlin Social Science Center (WZB): *Ethnic Diversity and Attitudes towards Immigrants: Evidence for Threat or Contact Effects?; Ethnic Diversity and Cooperation: Causality, Linking Mechanisms, and Context; Ethnic Diversity and Social Cohesion in Germany; Ethnic Diversity, Social Trust and Civic Engagement; Ethnic Diversity and Social Cohesion: Immigration, Ethnic Fractionalization and Potentials for Civic Action; German Public Opinion and the Refugee Crisis: Mechanisms of Support and Opposition; The Group Threat Hypothesis Revisited: A Spatial Analysis of NPD Electoral Support*.

²⁰ See, e.g., Berlin Social Science Center (WZB): *Income Advantages of Poorly-Qualified Immigrant Minorities, Immigrant Performance in the Labour Market. The Role of Bonding and Bridging Social Capital, Socio-Cultural Determinants of Labour-Market Integration of Immigrants, Six Country Immigrant Integration Comparative Survey (SCIICS), Ethnic Discrimination on the Labor Market in Comparative Perspective*, Forschungsinstitut zur Zukunft der Arbeit, *Ethnic Diversity and Labor Market Success*.

²¹ See, e.g., Goethe University Frankfurt: *Implications of the Public Discourse about Integration for Migrants Self-Understanding, Self-Positioning and Integration Activities: A Biographical Analysis*; University of Oldenburg: *Migration and Civic Engagement: Analyzing Genesis and Development of Civic Engagement in Narratives of young Russian Immigrants*; Max Planck Institute for Social Anthropology: *Beyond Autochthony Discourses: Sherbro Identity and the (Re-)Construction of Social and National Cohesion in Sierra Leone; Cultural Adaptation of Uighur and Dungan Migrant Communities in Kyrgyzstan; Homeland Ties and the Incorporation of Foreigners, Halle, Germany and Manchester, USA; Identification, Discrimination, and Communication: Khorezmian Migrants in Tashkent; Identity and Integration of Germans in Kazakhstan; Placemaking: Somali Migrants in Kenyan Cities*; Max Planck Institute for the Study of Religious and Ethnic Diversity: *Transnational Migrant Ties: Social Formation and Reproduction among Armenians in Germany*; University of Cologne: *Home, Boundaries, and Translocal Connectedness in Russia’s Exclave of Kaliningrad*.

flows, on which reliable quantitative data are initially limited, are also examined mostly through qualitative lenses. Therefore, it can be noted that projects on, for instance, the reception of post-2015 refugees in Europe have mainly employed qualitative techniques²² or resorted to policy analyses.²³

For the few mixed-methods projects, a clear thematic focus cannot be detected; however, more complex research designs characteristic of mixed-methods approaches seem to be used when the scholarship on the topic has sufficiently advanced and moved beyond the exploratory phase. It should be noted that we use ‘mixed methods’ here in a narrow sense, that is research that explicitly uses both qualitative and quantitative approaches (see Johnson, Onwuegbuzie, and Turner 2007 on this).

Examples of mixed methods projects: Research projects on the education level of (children of) immigrants are often able to build on panel or survey data and combine these with biographical or in-depth interviews with a view to establishing causal links. Such designs allow researchers to broach larger theoretical questions such as the nexus between social and spatial mobility²⁴ or migration biographies,²⁵ as well as more practical concerns such as teachers’ attitudes towards diversity-related matters.²⁶

1.a.(ii) Law

For the purposes of the mapping, we relied on a positivist understanding of the law. Legal positivism focuses on the legal coherence on the basis of legal sources exclusively (legislation, doctrine, and jurisprudence). Legal positivism finds its origins in the ‘pure theory of the law’ established by Hans Kelsen and his disciples, who put forward that the law should be viewed as a system resulting from the will of the Legislator, which lawyers should apply but not question (Kelsen 1934). This understanding of the law has also been qualified as the ‘legal dogmatic’ approach, as it views the initial source of the legal system as a ‘dogma’ which rests on principles external to the legal system and which it is not the role of legal scholars to question (Troper 2006).

Legal positivism is the dominant methodological approach within law faculties, especially in continental Europe. Legal scholars traditionally view legal positivism as inherent in the very nature of the law. From that perspective, legal positivism defines the legal science; studies applying

²² See, e.g., Expert Council of German Foundations on Integration and Migration: *Arriving and Staying in Germany: Determining Where Refugees Live; From Arrival to Participation in Society: How Refugees View Their Lives in Germany*; Humboldt-Universität zu Berlin and Osnabrück University: *Volunteering for Refugees in Europe: Civil Society, Solidarity, and Forced Migration along the Balkan Route amid the Failure of the Common European Asylum System*; Max Planck Institute for the Study of Religious and Ethnic Diversity: *Diversity of Asylum Seekers’ Needs and Aspirations*; Philipps-Universität Marburg: *Globaler Flüchtlingsschutz und lokales Flüchtlingsengagement. Ausmaß und Grenzen von Agency in gemeindebasierten NGOs von Flüchtlingen*; Ruhr-Universität Bochum: *MAPPING REFUGEES’ Arrivals at the Mediterranean Borders (MAREM)*; University of Vienna: *Erwerbsbiografien tschechischer Flüchtlinge: Flucht und Asylverfahren als biografische Doppelzäsur*; University of Hildesheim: *Öffnung deutscher Hochschulen für Asylsuchende*; Osnabrück University: *Taking Sides: Protest Against the Deportation of Asylum Seekers: A Comparison between Germany, Austria and Switzerland*.

²³ See, e.g., Expert Council of German Foundations on Integration and Migration: *European Refugee Policy – Pathways to Fairer Burden Sharing; Humanitarian Admission Programmes for Syrians in Germany*; Osnabrück University: *Neues ‘Rezept’ im Flüchtlingsschutz? Entwicklung und Stand von Deutschlands Resettlement Programm*.

²⁴ Bielefeld University: *Transnational Mobility and Social Position in the European Union: Mobility Trajectories, Socio-economic Status and Evaluations*.

²⁵ University of Bremen: *Coming of Age in Germany among Descendants of Turkish Immigrants: A Mixed-Methods Study based on the SOEP; Berufliche Strategien und Statuspassagen von jungen Erwachsenen mit Migrationshintergrund im deutsch-französischen Vergleich*.

²⁶ Expert Council of German Foundations on Integration and Migration and Humboldt-Universität zu Berlin: *Teacher Classroom Practices and Student Performance – How Teachers Can Motivate Their Students*.

another methodological approach will not be considered as ‘legal’ studies but as studies which resort to other disciplines such as the sociology of law.

Because of its focus on the content of State produced norms and on the internal coherence of State produced legal orders, the positivist approach to the law is generally less conducive to collaboration with scholars from other disciplines. Figure 3, however, shows that a substantial proportion of legal research nowadays does in fact go beyond a positivist analysis of the law to take the findings from other disciplines into account.

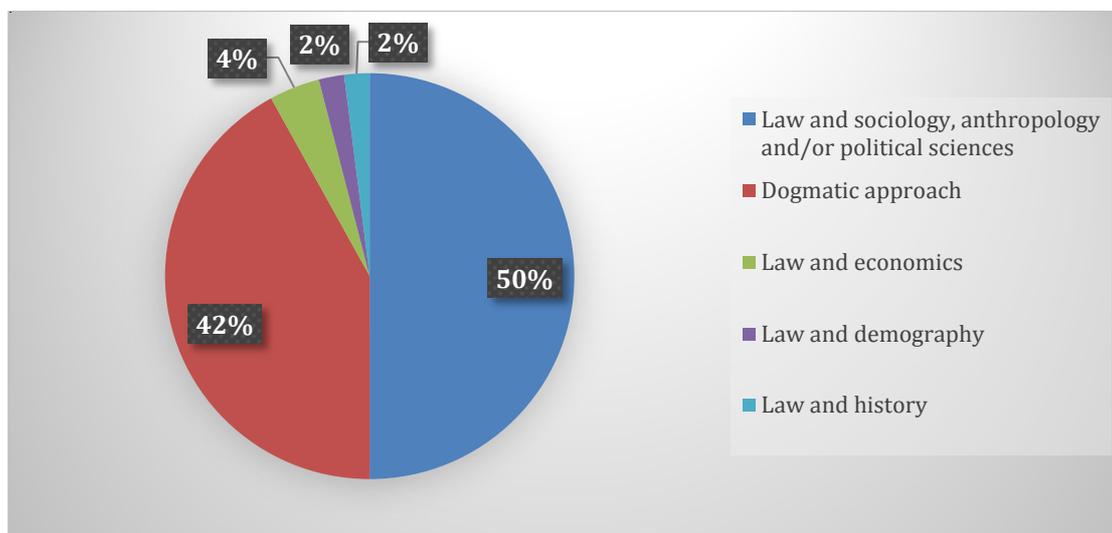


Figure 3. Legal research in relation to other disciplines

As Figure 3 shows, in our mapping 42 per cent of legal research on migration applies the dogmatic methodology does not include other disciplines. Of those legal research projects that do engage with other disciplines, the majority (a total of 50 per cent of all legal projects mapped) are associated with sociology, anthropology, and political science; these fields also account for about 86 per cent of the projects in the social sciences as shown by Figure 1. Four per cent of the legal projects mapped had some engagement with economics. Demography and history are least likely to be associated with legal research, with each accounting for only 2 percent of the projects mapped.

The percentages in Figure 3 are influenced by the criteria according to which legal projects were selected. Research projects were only mapped if they were of a sufficiently large scale, defined as involving at least one researcher and lasting at least one year. Large consortiums have a tendency to bring together more than one discipline in order to attract sufficient funding, which may explain why the majority of the legal research projects mapped involve a collaboration with disciplines other than law. Figure 3 nonetheless offers an interesting view on the state of legal research on migration: even though the positivist approach seems less open to collaboration with other disciplines, multidisciplinary research nevertheless represents a majority of the projects mapped.

The degree of dialogue between law and other disciplines as indicated in Figure 3 can be better understood if we distinguish among the three different dimensions that legal research generally aims to address: the legal framework, its implementation, and its shortcomings. Studies that analyse the legal framework mainly rely on the dogmatic methodology, but as the dogmatic methodology does not offer appropriate tools for reflecting beyond the internal coherence of legal systems and for taking social realities into account, studies that examine the implementation or

shortcomings of legal systems with a view to suggesting reforms are more likely to rely on collaboration with other disciplines. The three dimensions of legal research hence correspond to a *continuum* of dialogue and involvement with other disciplines: the more a legal research project aims to go beyond the legal framework, the more it will collaborate with other disciplines. Figure 4 highlights the prevalence of these dimensions by making a distinction between what we are calling ‘legal analytical studies’, ‘legal implementation studies’, and ‘prospective legal studies’.

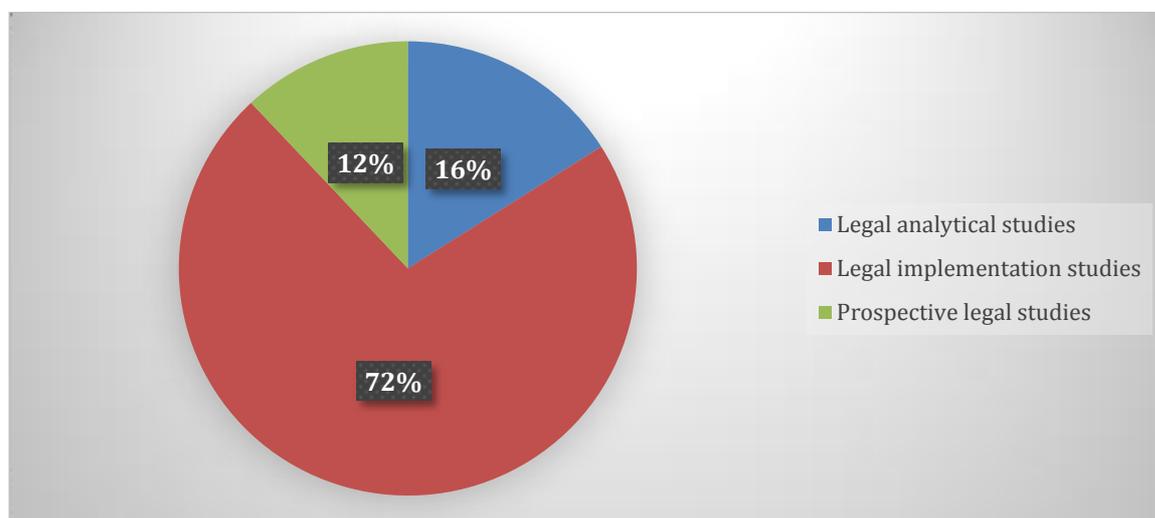


Figure 4. Legal analytical studies, legal implementation studies, and legal prospective studies²⁷

It should not be inferred from Figure 4 that all research projects involve only one dimension. Rather, for research projects that incorporated multiple dimensions, we used the most dominant one as the basis for our classification.

Legal Analytical Studies

Legal analytical studies aim to provide a comprehensive understanding of the legal framework and of the legal issues that may arise within that framework. They mostly entail a study of the interaction of various legal norms, sometimes rooted in different legal orders, and often try to identify the conflicts that may arise because of such interaction. Some legal analytical studies essentially have an *informative* value and often pursue the immediate objective of informing the political decision-making process. Others take a much more academic stance and develop a *systematic* understanding of the interaction between various legal instruments. Starting from a controversial migration-related issue, they study the content of the applicable legal instruments and how they may conflict with or complement each other. They then reflect on how to manage such legal diversity, proposing legal interpretative tools without substantial modifications to the legal framework.

Legal analytical studies are often monodisciplinary. They mainly use legal tools to reflect on the legal framework and follow the dogmatic methodology described above. The legal framework is not assessed from an explicitly stated value-driven perspective, but in terms of legal coherence and

²⁷ To calculate the percentages shown in this figure, we took into account only the research projects which we list hereafter as examples. These were the only projects on which we had sufficient information to be able to classify along the three dimensions on the basis of what constitutes, in our view, their main characteristic.

objectivity. Hence, most of these research projects may be seen as ‘conservative’. They question the coherence of the multi-faceted legal framework and reflect on legal tools that may be developed to achieve consistency, but they rarely call into question the underlying political choices behind the legal framework itself. The legal framework is taken as a given and remains unquestioned.

Examples of informative legal analytical studies: Research projects carried out by or at the request of EU or Member State institutions and agencies very often belong to this category. One may cite, among others, projects undertaken by the EU Agency for Fundamental Rights.²⁸ Some projects developed by the German Federal Office for Migration and Refugees (BAMF), such as the study on the regulation of the detention of migrants by the various states (*Länder*) in Germany,²⁹ also fit that pattern.

Examples of systematic legal analytical studies: The Global Migration Centre of the Graduate Institute of Geneva (Switzerland) is researching the legal framework on armed conflicts and forced migration. The project reflects on the multifaceted relationship between the various bodies of law that regulate armed conflicts and forced migration (international humanitarian law, international human rights law, etc.), and on interpretative tools to understand that relationship.³⁰ The research project on asylum and extradition conducted by the same institute in collaboration with the University of Lille (France) follows a similar approach. It studies the legal interaction and area of legal conflicts between asylum law and extradition law.³¹ The research project *Migrants at Work* from the University of Oxford (United Kingdom) examines the impact of migration law on labour rights and how the regulation of migration increasingly impacts labour law.³² Additionally, the University of Potsdam (Germany) is editing a comprehensive legal analysis of the 1951 Geneva Convention.³³

Other examples include research projects which focus on national migration law. For instance, a research project at Radboud University of Nijmegen (Netherlands) studies the multi-layered structure of Dutch migration law, which it then compares with the structure of national administrative law.³⁴ In Germany, a research project at the Federal University of Applied Administrative Sciences examines the national rules applicable to the employment of foreign care workers, as part of broader research on the challenges raised by demographic change in Germany.³⁵

²⁸ See, e.g., EU Agency for Fundamental Rights: *Rights of Irregular Immigrants in Return Procedures (2010)*; *Handbook on European Law Relating to Asylum, Borders, and Immigration (2014)*.

²⁹ BAMF Research Centre: *The Use of Detention and Alternatives to Detention in Germany (2014)*.

³⁰ Global Migration Centre of the Graduate Institute of Geneva: *Armed Conflicts and Forced Migration (2015)*.

³¹ Global Migration Centre of the Graduate Institute of Geneva and University of Lille: *Asylum and Extradition (2014)*.

³² University of Oxford: *Migrants at Work (2014)*. Note that this legal study is complemented by a perspective from other social sciences and that its analytical lens includes non-migrants and migrants as workers.

³³ University of Potsdam: *Kommentar zum Abkommen über die Rechtsstellung der Flüchtlinge von 1951 und des Protokolls über die Rechtsstellung der Flüchtlinge von 1967 (2011)*.

³⁴ Radboud University of Nijmegen: *Multi-Layered Structures of Migration Law (2013)*.

³⁵ Federal University of Applied Administrative Sciences (Germany): *Migration: Chance für die Gewinnung von Fachkräften in der Pflegewirtschaft? (2012)*.

Legal Implementation Studies

Legal implementation studies examine the implementation of the legal framework in law and/or in practice. They can be broadly divided into two categories: legal implementation studies, which aim to identify the legal implementation mechanisms at play; and socio-legal implementation studies, which look at the impact of the law on realities on the ground. While the former are monodisciplinary and rely on a dogmatic methodology with a focus mainly on legal instruments and mechanisms of interpretation, the latter resort to other disciplines such as sociology or anthropology to study realities on the ground and can be more accurately referred to as ‘socio-legal implementation studies’.

Examples of legal implementation studies: Various projects study how EU asylum and immigration law is implemented in national law. Two research projects led by the European University Institute of Florence (Italy) study the implementation of the Returns Directive in the law and jurisprudence of some EU Member States.³⁶ The Research Centre Immigration & Asylum Law of the University of Konstanz (Germany) studies the implementation of EU asylum law and visa regulation in German law.³⁷ A research project led by the University of Louvain (Belgium) studied the implementation of the Common European Asylum System in Belgian law and jurisprudence.³⁸ Another project on the same topic was carried out in 14 EU Member States by the Max Planck Institute for Social Law and Social Policy (Germany).³⁹

Studies on the implementation of the law are not limited to the implementation of EU law. For instance, the Hague Conference on Private International Law researches how its members deal with international private law issues regarding the filiation of children.⁴⁰ Also, a project of the Global Migration Centre of the Graduate Institute of Geneva (Switzerland) studies the implementation in national law of the fragmented international legal framework on statelessness.⁴¹

Examples of socio-legal implementation studies: The research project *Personal Aspirations and Processes of Adaptation: How the Legal Framework Impacts on Migrants’ Agency* at the University of Louvain (Belgium) analyses the impact of the legal framework on the decisional autonomy of migrants.⁴² The research project *Outsiders in Europe: the Foreigner and the ‘Other’ in the Process of Changing Rules and Identities* at the Free University of Brussels (Belgium) studies how the law may contribute to the construction of collective identities.⁴³ *Family Reunification – a Barrier or Facilitator of Integration?*, based at Radboud University of Nijmegen (Netherlands), studies the rules on family reunification and their impact on the

³⁶ Migration Policy Centre of the European University Institute (Italy): *Contention (Control of Detention)* (2014) and *Redial (Return Dialogue)* (2015).

³⁷ Research Centre Immigration & Asylum Law (FZAA) of the University of Konstanz: *Auswirkungen der Europäisierung des Ausländer- und Asylrechts auf das nationale deutsche Recht* (ongoing).

³⁸ Catholic University of Louvain (UCL): *La mise en oeuvre du droit européen de l’asile en droit belge* (2014).

³⁹ Max Planck Institute for Social Law and Social Policy: *Refugee Protection: the Least is the Best We Can Do* (2015).

⁴⁰ The Hague Conference of Private International Law: *The Private International Law Issues Surrounding the Status of Children, Including Issues Arising from International Surrogacy Arrangements* (ongoing). On family law matters related to migration, see also the studies of the Commission of European Family Law, such as *The Place of Religion in Family Law: A Comparative Search* (2011); *Family Law and Culture in Europe: Developments, Challenges and Opportunities* (2014); *Children’s Rights in Intercountry Adoption: A European Perspective* (2014); *The Child’s Interests in Conflict*, (2016).

⁴¹ Global Migration Centre of the Graduate Institute of Geneva: *Statelessness in International Law: Which Regime(s) for Which Right(s)?* (ongoing).

⁴² Catholic University of Louvain (UCL), LIMA: *Personal Aspirations and Processes of Adaptation: How the Legal Framework Impacts on Migrants’ Agency?* (ongoing).

⁴³ Free University of Brussels (ULB): *Outsiders in Europe: The Foreigner and the ‘Other’ in the Process of Changing Rules and Identities* (2011).

integration of migrants.⁴⁴ The German Federal Office for Migration and Refugees is conducting research on the effects of the German *Wohnortzuweisungsgesetz* ('residence allocation act').⁴⁵

A significant number of research projects study the relationship between the evolution of the legal framework and migration patterns. For instance, research conducted by the Norwegian Institute for Social Research and the Law Faculty at the University of Bergen (Norway) studies the correlation between migration flows and migration policies.⁴⁶ A project carried out by the University of Bristol (United Kingdom) studies the effect of migration law and practice on the integration of long-term foreign residents in the UK.⁴⁷ Similarly, a project of the Migration Policy Group, a Brussels-based think-tank, documents the legislation of the EU Member States on citizenship and its impact on the integration of migrants.⁴⁸ On a different topic, a project of the Centre for European Policy Studies, another Brussels-based think-tank, examines the implementation of the humanitarian exception to the criminalization of assistance to migrants as provided for by the Facilitation Directive.⁴⁹ Other projects emphasize the historical perspective, such as research realised by Osnabrück University (Germany) on the regulation of migration in Germany from the 17th century to the early 21st century,⁵⁰ a project by the Max Planck Institute for European Legal History on religious migration during the 17th and 18th centuries,⁵¹ and a study by the Free University of Amsterdam and Radboud University of Nijmegen (Netherlands) on Dutch migration law since 1945.⁵²

Outside of academia and think-tanks, the European Migration Network, an EU network of migration and asylum experts employed by national administrations, regularly publishes studies on the implementation of EU immigration and asylum law in various fields such as the integration of refugees, the return of irregular third-country nationals, labour migration, and unaccompanied minors.⁵³ These studies are intended to share good practices between the

⁴⁴ Free University of Amsterdam and Radboud University of Nijmegen: *Family Reunification – a Barrier or Facilitator of Integration?* (2013).

⁴⁵ Research Centre for Migration, Integration and Asylum of the Federal Office for Migration and Refugees: *The Residence Allocation Act* (2011).

⁴⁶ University of Bergen and Institute for Social Research: *Migration to Norway: Flows and regulation* (ongoing).

⁴⁷ University of Bristol: *Understanding 'Quasi-Citizenship' in Immigration Law and Practice* (2017).

⁴⁸ Migration Policy Group, ACIT: *Access to Citizenship and its Impact on Immigrant Integration* (2012).

⁴⁹ Centre for European Policy Studies: *Fit for Purpose? The Facilitation Directive and the Criminalisation of Humanitarian Assistance to Irregular Migrants* (2016).

⁵⁰ Institute for Migration Research and Intercultural Studies (IMIS) of Osnabrück University: *Migrationsregime - Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert* (2017).

⁵¹ Max Planck Institute for European Legal History: *Rechtliche Aspekte konfessioneller Migration im neuzeitlichen Europa* (ongoing).

⁵² Radboud University of Nijmegen: *Transnationality and Citizenship: New Approaches to Migration Law* (2013).

⁵³ European Migration Network (EMN), established by the Council Decision 2008/381/EC of 14 May 2008, OJ L 131, 21.5.2008, pp. 7–12. The EMN has realised studies on among others *Integration of Beneficiaries of International/ Humanitarian Protection into the Labour Market: Policies and Good Practices* (2015); *Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants not in Contact with the Authorities* (2015); *Determining Labour Shortages and the Need for Labour Migration from Third Countries in the EU* (2015); *Admitting Third-Country Nationals for Business Purposes* (2015); *Policies, Practices and Data on Unaccompanied Minors* (2015); *Good Practices in the Return and Reintegration of Irregular Migrants: Member States' Entry Bans Policy and Use of Readmission Agreements between Member States and Third Countries* (2014); *A Study on the Smuggling of Migrants: Characteristics, Responses and Cooperation with Third Countries* (2015); *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies* (2014); *Migrant Access to Social Security and Healthcare: Policies and Practice* (2014); *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures* (2014); *The Organisation of Reception Facilities for Asylum Seekers in different Member States* (2014); *Attracting Highly Qualified and Qualified Third-Country Nationals* (2013); *Intra-EU Mobility of Third-Country Nationals* (2013); *Immigration of International Students to the EU* (2012); *Establishing Identity for International Protection: Challenges and Practices* (2012); *Marriages of Convenience and False Declarations* (2012); *Practical Measures to Reduce Irregular Migration* (2012); *Visa Policy as Migration Channel* (2012); *Temporary and Circular Migration: Empirical Evidence, Current Policy Practice and Future Options in EU Member States* (2011); *The Different National Practices Concerning Granting of Non-EU Harmonised Protection Statuses* (2011); *Programmes and Strategies in the EU Member States Fostering Assisted Return to and Reintegration in Third Countries* (2011); *Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors* (2010); *Organisation of Asylum and Migration Policies in the EU Member States* (2010); *Family Reunification* (2010).

Member States. Some studies performed at the request of the Directorate-General for Migration and Home Affairs of the European Commission follow a similar pattern.⁵⁴

Legal Prospective Studies

Legal prospective studies choose a particular perspective to assess the legal framework with the goal of indicating directions for future reforms. Such ‘progressive’ research projects go beyond the analysis of the legal framework and its implementation to suggest reforms to that framework, mostly through the help of disciplines other than law.

Examples of prospective legal studies: The research project *The Human Costs of Border Controls* at the Free University of Amsterdam (Netherlands) studies the rules on EU border controls and their impact on migrant casualties at sea. It reflects on how human rights law should evolve to provide an appropriate answer to the changing EU border control policies.⁵⁵ Another research project at the same university deals with the impact of migration law on the family life of migrants and reflects on alternative solutions.⁵⁶ The research project *Translation and Asylum Claims: Matters of Law, Language and Silence* at the University of Glasgow (United Kingdom) studies how language issues are and should be taken into account in the asylum procedure.⁵⁷

Most studies performed by think-tanks could also be categorized as prospective legal studies. Think-tanks frequently analyse flaws in the existing legal framework and then suggest ways forward. For instance, a study performed by the Centre for European Policy Studies, a Brussels-based think-tank, highlights the shortcomings of the current allocation of asylum seekers within the EU and proposes alternatives.⁵⁸ The European Policy Centre, another Brussels-based think-tank, leads a research project on how EU policies on matters such as development may have an impact on forced migration.⁵⁹ Notre Europe – Institut Jacques Delors, a think-tank based in Paris, analyses the extent to which the sovereign prerogative of the Member States to control their borders must take asylum law into account and recommends measures for doing so.⁶⁰ In Germany, the Bertelsmann Stiftung developed a study on citizenship law and how it might be improved to favour the integration of migrants.⁶¹ The Rat für Migration also develops critical studies on EU and German migration law.

Most studies performed at the request of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament could also be identified as prospective legal studies. For instance, a study focusing on female refugees and asylum seekers suggests measures to improve the consideration given to the basic needs of women.⁶² Other studies have been conducted on various migration-related issues such as statelessness, cooperation

⁵⁴ See, e.g., the study by the ICMPD in 2013 on the evaluation of the application of the Returns Directive, and the study by EurASYLUM in 2010 on the situation of third-country nationals pending return/removal in the EU Member States and the Schengen Associated Countries.

⁵⁵ Migration and Diversity Centre of the Free University of Amsterdam: *HCBC: The Human Cost of Border Control* (ongoing).

⁵⁶ Migration and Diversity Centre of the Free University of Amsterdam: *Migration Law as a Family Matter* (ongoing).

⁵⁷ University of Glasgow: *Translation and Asylum Claims: Matters of Law, Language and Silence* (2013).

⁵⁸ Centre for European Policy Studies: *Enhancing the Common European Asylum System and Alternatives to Dublin* (2015).

⁵⁹ European Policy Centre: *Forced Migration Project* (2015).

⁶⁰ Notre Europe – Institut Jacques Delors: *Border Control and the Right of Asylum: Where is the EU Heading?* (2014).

⁶¹ Bertelsmann Stiftung: *Delivering Citizenship* (2010).

⁶² *Female Refugees and Asylum Seekers: the Issue of Integration* (2016).

with third countries, alternatives to the Dublin system, and labour migration, with a view to identifying flaws in the current legal framework and proposing reforms.⁶³

1.b. The Research Landscape is Responsive

Our mapping shows that the trends in research topics on migration go hand in hand with public debates. Yalaz and Zapata-Barrero (2017: 26) reach a similar conclusion: empirical reality in Europe continuously defines and shapes the landscape of migration studies. In the period under scrutiny in our mapping, we have noticed the tendency to prioritize matters of ‘public concern’ in the research projects. Accordingly, the topic most frequently addressed by the research projects in the social sciences deal with the *integration* of immigrants followed by the increasing number of projects on the *reception* of refugees and asylum seekers. In legal scholarship, these two topics are also prioritized but in a reverse order: the majority of legal research focuses on asylum and border control, closely followed by projects on integration. Kleist’s mapping (2017: 3) also found integration and refugee policies to be the main focus areas.

These are, not surprisingly, avidly discussed topics in the media and the political arena in Europe in general and in Germany in particular, especially following the ‘migration crisis’ of 2015, when more than 1 million initial asylum applications were filed in Europe, and Germany agreed to welcome some 800,000 asylum seekers.⁶⁴ It is natural for migration scholars to seek to make room for scholarly knowledge in such society-wide, often heavily politicized, debates. Another obvious reason for the responsiveness of migration research to public debates relates to funding schemes, which are often very dependent on ‘hot’ topics. While the responsiveness of academia could be seen as a positive feature, not least because it avoids a disconnect between research and the needs of the society, it also entails risks, such as the possibility of losing sight of the broader picture.

⁶³ *Practices and Approaches in EU Member States to Prevent and end Statelessness* (2015); *EU Cooperation with Third Countries in the Field of Migration* (2015); *Enhancing the Common European Asylum System and Alternatives to Dublin* (2015); *Exploring New Avenues for Legislation for Labour Migration to the European Union* (2015).

⁶⁴ Eurostat: *Asylum and First Time Asylum Applicants – Annual Aggregated Data (Rounded)*, available online at <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00191&plugin=1>.

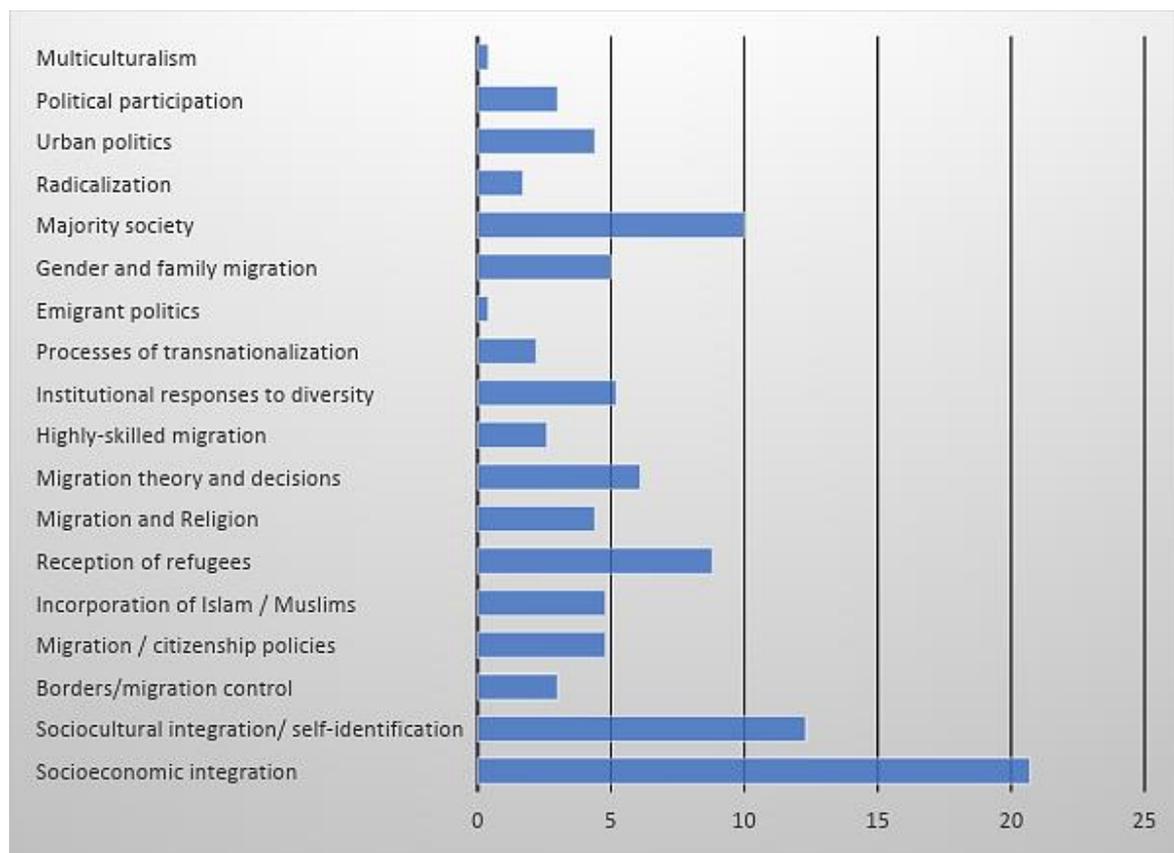


Figure 5. Distribution of thematic foci (in per cent)

Setting Priorities: immigrant integration and asylum

As Figure 5 shows, the socioeconomic integration of immigrants, which involves issues like access to labour markets, educational opportunities, and health care, constitutes the main study area of the greatest number of projects. Most of the health-related projects are quantitative and rely on survey or register data to inquire into the health differences between migrant and non-migrant populations.⁶⁵ However, there are also two qualitative studies at the Max Planck Institute for the Study of Religious and Ethnic Diversity that seek to understand accommodation of immigrants in health care systems in a comparative way or by focusing on a minority group (i.e. Roma).⁶⁶ The mapping also brought to light a practice-oriented project that aims to improve healthcare in former East Germany for refugees who were victims of torture.⁶⁷ Of the studies that look at socioeconomic topics, the majority make use of quantitative methods to explain the disadvantages of migrants and

⁶⁵ BAMF Research Centre: *Mortality and Morbidity of Migrants*; Heidelberg University: *Der Einfluss von Migrationserfahrung auf die Gesundheit in Lebenslaufperspektive*.

⁶⁶ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Pilot Study: Superdiversity and Pathways to Health Care in four European Countries*.

⁶⁷ Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer BAfF, Berlin, Refugio Thüringen e.V. (Jena), Cactus e.V. (Leipzig), Psychosoziales Zentrum Sachsen-Anhalt (Halle/Magdeburg): *EU-Pilotprojekt: Strukturverbesserungen in der gesundheitlichen Versorgung von Opfern von Folter und anderen schweren Menschenrechtsverletzungen in Ostdeutschland*.

children of migrants in employment⁶⁸ and school success⁶⁹. In addition to the few mixed-method projects mentioned above,⁷⁰ there are also qualitative projects that focus more closely on the reconstruction of migrants' biographies as they move along their pathways to educational success.⁷¹

After socioeconomic integration, which was by far the most well-represented among the projects, the next most common focus was sociocultural integration. This is a broad category that includes projects on migrants' ties, self-identifications, and social relations. These studies are much more diverse in terms of the geographic areas (e.g., Central Asia,⁷² Africa⁷³) and the migrant groups (e.g., Armenians,⁷⁴ Indians,⁷⁵ or Russians⁷⁶ in Germany) they investigate. Aside from studies that concretely seek to assess the language acquisition of immigrants,⁷⁷ the projects gathered under this rubric often give space to the perspective of migrants themselves: their transnational ties, their networks, and their home-making,⁷⁸ as well as the effect of public discourses and policies.⁷⁹ While many studies focused on migrants' perspectives on 'integration', some looked at the other side of the equation, concentrating on the perceptions of the 'majority society' and their attitude towards migrants. These are geographically much more focused, covering usually a few European countries

⁶⁸ I.e. Berlin Social Science Center (WZB): *Income Advantages of Poorly-Qualified Immigrant Minorities; Immigrant Performance in the Labour Market: the Role of Bonding and Bridging Social Capital; Socio-Cultural Determinants of Labour-Market Integration of Immigrants; Six Country Immigrant Integration Comparative Survey (SCIICS); Ethnic Discrimination on the Labor Market in Comparative Perspective*; Institute of Labor Economics (IZA): *Ethnic Diversity and Labor Market Success*.

⁶⁹ I.e. Universität Hamburg: *Bildungskarrieren und adoleszenten Ablösungsprozesse bei männlichen Jugendlichen aus türkischen Migrantenfamilien*; Expert Council of German Foundations on Integration and Migration: *Parent-Teacher Collaboration in Early Childhood Education*; University of Mannheim: *Bildungsentscheidungen in Migrantenfamilien, Children of Immigrants Longitudinal Survey – Germany*; Berlin Social Science Center (WZB): *Ethnic Educational Inequality: The Role of Neighbourhood Contexts; Over-Education among Immigrants in Germany*.

⁷⁰ Bielefeld University: *Transnational Mobility and Social Position in the European Union: Mobility Trajectories, Socio-economic Status and Evaluations*; University of Bremen: *Coming of Age in Germany among Descendants of Turkish Immigrants: A Mixed-Methods Study Based on the SOEP; Berufliche Strategien und Statuspassagen von jungen Erwachsenen mit Migrationshintergrund im deutsch-französischen Vergleich*; Expert Council of German Foundations on Integration and Migration and Humboldt-Universität zu Berlin: *Teacher Classroom Practices and Student Performance – How Teachers Can Motivate Their Students*.

⁷¹ Freiburg University of Education: *Erfolgreiche Bildungsbiografien von autochthonen und allochthonen Sinti und Roma*; Martin Luther University Halle-Wittenberg: *The Orientation of Education of Vietnamese Teenagers in the New Federal States of Germany: A Qualitative Survey of the Relationship between Pupil Biography, Family Dynamics and Successful Education*.

⁷² Max Planck Institute for Social Anthropology: *Cultural Adaptation of Uighur and Dungan Migrant Communities in Kyrgyzstan; Identification, Discrimination, and Communication: Khorezmian Migrants in Tashkent; Identity and integration of Germans in Kazakhstan*.

⁷³ Max Planck Institute for Social Anthropology: *Beyond Autochthony Discourses: Sherbro Identity and the (Re-)Construction of Social and National Cohesion in Sierra Leone; Placemaking: Somali Migrants in Kenyan Cities*.

⁷⁴ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Transnational Migrant Ties: Social Formation and Reproduction among Armenians in Germany*.

⁷⁵ University of Cologne: *Transnational Actions of Indian Migrants in Germany*.

⁷⁶ University of Oldenburg: *Migration and Civic Engagement: Analyzing Genesis and Development of Civic Engagement in Narratives of young Russian Immigrants*; BAMF Research Centre: *Immigrants from Russia and the other CIS States*.

⁷⁷ BAMF Research Centre: *Explaining Differences in Second Language Acquisition; The Progress of the Integration of Integration Course Participants; The Progress of the Integration of Literacy Course Attendees*; Friedrich Schiller University Jena: *Language Learning and Migration*; University of Bamberg: *The Role of Immigrants' First and Second Language Proficiency for Social Integration, Particularly in Education: Analyses of NEPS Data*; University of Münster: *Context Effects of Preschools: Children's Language Skills at School Entry*.

⁷⁸ University of Cologne: *Transnational Actions of Indian Migrants in Germany*; Max Planck Institute for the Study of Religious and Ethnic Diversity: *Transnational Migrant Ties: Social Formation and Reproduction among Armenians in Germany; Social Relations in Super-Diverse London; Socialising with Diversity: Numerical Smallness, Social Networks and the Super-Diverse City*; Max Planck Institute for Social Anthropology: *Homeland Ties and the Incorporation of Foreigners, Halle, Germany and Manchester; Placemaking: Somali Migrants in Kenyan Cities*.

⁷⁹ BAMF Research Centre: *The Naturalisation Behaviour of Foreigners in Germany, the Option scheme in German Citizenship Law from the Perspective of those Affected by It*; Goethe University Frankfurt: *Implications of the Public Discourse about Integration for Migrants Self-Understanding, Self-Positioning and Integration Activities: a Biographical Analysis*; Berlin Social Science Center (WZB): *Host Culture Adoption and Ethnic Retention among Turkish Immigrants and their Descendants in France, Germany, and the Netherlands*.

such as Germany, the Netherlands, and Switzerland.⁸⁰ At the crossroads of these two sets of studies are a small number of projects focusing on the active and passive political participation of immigrants in Germany.⁸¹

Taken together, these projects that deal with socioeconomic, sociocultural (from the perspective of both migrants and the majority society), and political integration constitute almost half of all the projects mapped, which demonstrates the close links between public and academic debates. Similarly, scholarly interest in the reception of refugees and asylum seekers has flourished since the so-called ‘migration crisis’, although it still lags behind the longstanding concern with integration. The studies on the reception of refugees almost exclusively focus on Germany and, as also previously mentioned, are exploratory due to the recent nature of this migration. They often strive to determine the main demographics of the new flows,⁸² or to oversee the functioning of local, national, or European instruments designed to deal with them.⁸³ Examples include various projects undertaken at the Expert Council of German Foundations on Integration and Migration mentioned before, as well as studies of humanitarian admission programmes for Syrians and resettlement initiatives.⁸⁴ There has also recently been increased interest in solidarity networks, which can be found among the projects mapped, such as the project at Osnabrück University on anti-deportation protests.⁸⁵ However, in general, research on asylum seems to be very much geared towards immediate societal needs and policy goals. Projects that focus exclusively on policies of citizenship, migration, and integration are also well represented in the social sciences. Most of these are cross-national comparisons among Western countries,⁸⁶ but some are also more practice

⁸⁰ Berlin Social Science Center (WZB): *Ethnic Diversity and Attitudes towards Immigrants: Evidence for Threat or Contact Effects?; Ethnic Diversity and Cooperation: Causality, Linking Mechanisms, and Context, Ethnic Diversity and Social Cohesion in Germany; Ethnic Diversity, Social Trust and Civic Engagement; Ethnic Diversity and Social Cohesion: Immigration, Ethnic Fractionalization and Potentials for Civic Action; German Public Opinion and the Refugee Crisis: Mechanisms of Support and Opposition; The Group Threat Hypothesis Revisited: A Spatial Analysis of NPD Electoral Support, Xenophobia in (East) Germany.*

⁸¹ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Immigrants in German City Councils; Immigrants in German Politics: Local Elections and Local Parliaments in Northrhine-Westfalia; Immigration and Political Socialization; Local Councillors with Migration Background: The Role of Migration Background and Ethnicity for their Political Practices; Political Parties and Diversity at the Local Level: A Comparison between Berlin and Paris;* Expert Council of German Foundations on Integration and Migration: *Changes at the Ballot Box – An Analysis of the Party Preferences of Immigrants; New Voters for the Bundestag? Potential Turnout among Third Country Nationals in Germany’s General Elections.*

⁸² Expert Council of German Foundations on Integration and Migration: *Arriving and Staying in Germany: Determining Where Refugees Live; From Arrival to Participation in Society: How Refugees View Their Lives in Germany;* Max Planck Institute for the Study of Religious and Ethnic Diversity: *Diversity of Asylum Seekers’ Needs and Aspirations;* Philipps-Universität Marburg: *Globaler Flüchtlingsschutz und lokales Flüchtlingsengagement: Ausmaß und Grenzen von Agency in gemeindebasierten NGOs von Flüchtlingen;* Ruhr-Universität-Bochum: *MAPPING REFUGEES’ ARRIVALS AT THE MEDITERRANEAN BORDERS (MAREM);* University of Vienna: *Erwerbsbiografien tschetschenischer Flüchtlinge: Flucht und Asylverfahren als biografische Doppelzäsur;* BAMF Research Centre: *Study on the Circumstances of Persons Seeking Protection.*

⁸³ Expert Council of German Foundations on Integration and Migration: *European Refugee Policy – Pathways to Fairer Burden Sharing; Humanitarian Admission Programmes for Syrians in Germany;* University of Hildesheim: *Öffnung deutscher Hochschulen für Asylsuchende.*

⁸⁴ See footnote 82 and 83 as well as BAMF Research Centre: *Resettlement;* Osnabrück University: *Neues ‘Rezept’ im Flüchtlingsschutz? Entwicklung und Stand von Deutschlands Resettlement Programm.*

⁸⁵ Humboldt-Universität zu Berlin and Osnabrück University: *Volunteering for Refugees in Europe: Civil Society, Solidarity, and Forced Migration along the Balkan Route amid the Failure of the Common European Asylum System; Ehrenamtliche Flüchtlingsarbeit (EFA) – Motive und Bedingungen;* Osnabrück University: *Taking Sides: Protest Against the Deportation of Asylum Seekers. A Comparison between Germany, Austria and Switzerland.*

⁸⁶ Berlin Social Science Center (WZB): *Indicators of Citizenship Rights for Immigrants (ICRI); Integration Requirements and Citizenship Test; The Heuristic Potential of Models of Citizenship and Immigrant Integration for International Comparisons; Trade-Offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective;* University of Bamberg: *Immigration Policies in the Western World: New Indicators, Causes and Effects.*

oriented,⁸⁷ while others address German policies and Germany's role in global migration governance.⁸⁸ In addition, projects that strive to register institutional responses to migration-related diversity in Germany can also serve as an indicator of policy relevance in migration research. The projects mapped include schools,⁸⁹ bureaucratic agencies,⁹⁰ public administrations, and municipalities⁹¹ as significant spheres of interaction with migrants.

Predominance of Empirical and Policy-Driven Studies

As the examples thus far cited reveal, a large majority of the projects mapped are either policy driven, empirically oriented, or a combination of both. It seems that in migration research the interwoven nature of the public and academic debates not only leads to the prioritization of certain topics (often at the expense of others), but also to a dearth of theoretical work.

To start with the former, it is striking to note the extent to which the close linkage between research and the public agenda reinforces certain narratives and renders others obsolete. It seems, for instance that multiculturalism, a buzzword of the late 1990s and early 2000s,⁹² has been gradually abandoned in migration studies, turning the announcement of its demise in the policy world⁹³ into a self-fulfilling prophecy. In our mapping there is an almost complete absence of studies embracing the angle of multiculturalism, with but one exception: a series of edited volumes on the rise and challenges, if not the demise, of the concept.⁹⁴ Similarly, public concern has recently focused more on the reception of asylum seekers, perhaps temporarily superseding concerns about the accommodation of Muslims and Islamic practices in the European context, and the scholarship has followed suit. To our surprise, there are considerably fewer projects focusing on Islam than on the reception of refugees or on immigration policies. The mapping of projects on Islam and/or Muslims include mostly comparative studies such as VEIL at the WZB,⁹⁵ which compares policy approaches and media debates over the headscarf issue in eight European countries, and a few Germany-focused projects that aim to document, among other things, the

⁸⁷ BAMF Research Centre: *Integration Course Participant Survey, Residence Allocation Act*.

⁸⁸ Expert Council of German Foundations on Integration and Migration: *Return Policy in Germany: The Concept and Practice of Terminating Residence in Germany, Follower, Pioneer, Foot-Dragger? The Role of Germany in Global Migration Governance*.

⁸⁹ Expert Council of German Foundations on Integration and Migration: *Immigrant Students and Supplementary School Funding, School Segregation in Germany*; Europa-Universität Flensburg: *EDUSPACE: School Cultural Space and Migration in Germany and the U.S.A.*

⁹⁰ BAMF Research Centre: *Accompanying Academic Research on the Migration Advisory Service for Adult Immigrants*; Berlin Social Science Center (WZB): *Discrimination of Social Welfare Applicants in the German Bureaucracy*.

⁹¹ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Diversity and Public Administration, Political institutions and the challenge of diversity; Naturalization of Immigrants: Obstacles and Opportunities in German Municipalities; Post-Multicultural Cities and the Politics of Diversity; Cities and the Challenge of Diversity: A Study in Germany and France*; Goethe University Frankfurt: *New Urban Orders of Migration: Actor-Networks of Integration Policy in Frankfurt am Main*.

⁹² One can cite many publications in this category but perhaps nothing sums it up better than the title of Nathan Galzer's book: *'We are all multiculturalists now'*.

⁹³ See for instance remarks on the 'death of multiculturalism' by Angela Merkel, the German Chancellor, <https://www.theguardian.com/world/2010/oct/17/angela-merkel-german-multiculturalism-failed>; and David Cameron, former British Prime Minister, <http://www.bbc.com/news/uk-politics-12371994>.

⁹⁴ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Multiculturalism*.

⁹⁵ Berlin Social Science Center (WZB): *VEIL – Values, Equality and Differences in Liberal Democracies: Debates over Female Muslim Headscarves in Europe; Cultural Interactions between Muslim Immigrants and Receiving Societies (EURISLAM); Islamophobia in Western Europe and North America; Religion among Muslim Minorities in Europe: Structural Integration, Religious Socialisation and Religious Identities*.

religious practices of Muslims.⁹⁶ Moreover, a handful of projects that investigate radicalization focus on right-wing extremism rather than Islamic fundamentalism.⁹⁷ As is clear from Figure 5, we made a distinction between projects that put Muslims and/or Islam at the centre and projects that deal with other religious groups or only peripherally deal with Muslims. Projects in the second category are more varied, ranging from ethnographic investigations of Chinese Christian communities⁹⁸ to the accommodation of religious diversity in different settings⁹⁹ and the role of religious organizations in the lives of migrants.¹⁰⁰

Coming to the second implication of the interwoven nature of the public and academic debates, a very small number of projects explicitly seek to generate new understandings of forms of migration. For the most part, these studies are also empirically grounded in the sense that they make use of case studies and/or fieldwork methods as a basis for the theory-building. For instance, while two studies seek to advance knowledge on circular migration, one by focusing on South Asia¹⁰¹ and the other on Eastern Europe,¹⁰² others more specifically focus on return migration and the intention to return.¹⁰³ This category also contains a few publication projects that bring together the key concepts of migration studies in order to further develop them using interdisciplinary contributions. Examples include several projects at the Max Planck Institute for the Study of Religious and Ethnic Diversity: the Migration project, the Multiculturalism project, and the project to develop the *Routledge International Handbook of Diversity Studies*. One important implication of the empirical orientation of the literature is that while there is an invaluable and growing body of knowledge on certain domains and segments of migrants, theory pertaining to migration as a holistic phenomenon that cross-cuts different migrant categories remains limited. We return to this in the third section.

1.b.(ii) Law

As Figure 6 shows, legal research on migration covers topics ranging from forced migration to labour migration and from the return of irregular migrants to the integration of regular migrants.

⁹⁶ BAMF Research Centre: *Muslim Life in Germany 2008; Muslim Life in Germany 2016; Muslim Self-Organisation and State Dealings with Muslim Organisations in European Comparison; Islamic officials in Germany*; Philipps-Universität Marburg: *Islamisch – hip – integriert. Zur Funktion religiöser Vergemeinschaftung für die Identitätsbildung junger Musliminnen der Muslimischen Jugend Deutschland e.V. (MJD)*; Expert Council of German Foundations on Integration and Migration: *Muslims in Germany: Media Portrayal and Everyday Experiences*.

⁹⁷ Philipps-Universität Marburg: *Right-Wing Extremism and Gender: Political Socialisation and Processes of Radicalisation in Rural Area. A Case Study*; Berlin Social Science Center (WZB): *The Diffusion of Anti-Immigrant Violence in Germany, 1990–1999; Religious Fundamentalism and Radicalization in Comparative Perspective*.

⁹⁸ Max Planck Institute for the Study of Religious and Ethnic Diversity: *Chinese Christian Communities in Berlin; Chinese Christians' Networks in Germany (2009–2010)*.

⁹⁹ Max Planck Institute for the Study of Religious and Ethnic Diversity: *The Accommodation of Religious Diversity in Spanish Public Institutions*.

¹⁰⁰ Bielefeld University: *Religiöse Vergemeinschaftung und Integration von Migranten in einer Einwanderungsgesellschaft*; Ruhr-Universität Bochum: *Der Zusammenhang zwischen Migration und Religion: Eine Untersuchung ausgewählter Migrantengruppen in historisch-komparativer Perspektive*.

¹⁰¹ Technische Universität Berlin: *Circular Migration and Habitat: The City-Country Relation in an Era of Global Urbanisation*.

¹⁰² Max Planck Institute for the Study of Religious and Ethnic Diversity: *Metokos*.

¹⁰³ Universität Hamburg: *Alter(n) im transnationalen Raum: (Re-)Migrationsprozesse zwischen Mexiko und den USA*; Expert Council of German Foundations on Integration and Migration: *What Motivates People to Emigrate from and Return to Germany?*; Chemnitz University of Technology: *Return Migration and Life Course: The Example of Returning Graduates to Bulgaria*.

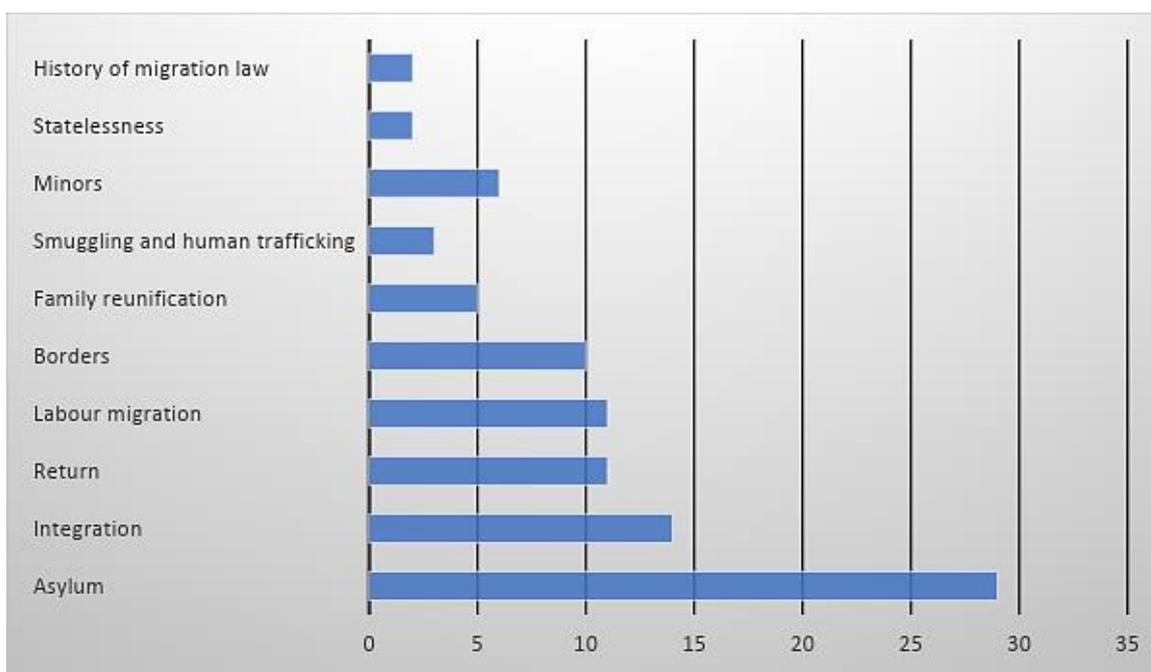


Figure 6. Distribution of thematic foci (in per cent)

‘Integration’ is understood in a broad sense that includes projects on national identity and citizenship as well as studies addressing the rules of international private law regarding the personal status of migrants. ‘Return’ includes projects dealing with the detention of migrants, as such detention is often grounded on the objective of returning migrants. ‘Labour migration’ includes projects on migration for the purpose of higher education. ‘Borders’ includes studies on visas and on irregular migrants. The remaining topics are self-explanatory.

Legal research is currently particularly active in the field of asylum, which accounts for around a third of the projects mapped. Taken together, research on borders and on return account for about one-fifth of the projects. Family reunification, which was widely studied by lawyers in the 2000s, figures less prominently in the selection under consideration; it is the subject of less than one-tenth of the mapped research projects. There is, therefore, a clear trend towards more research on asylum and border control. The evolution of the EU and international legal framework may offer a partial explanation for this phenomenon. Whereas the directive on family reunification was adopted towards the end of the 2000s, since then the common European asylum system has been reworked once and a second process of reshaping is now in progress; these changes have prompted research on the implementation of the asylum system. Similarly, asylum and border controls have attracted more attention than family reunification in the recent jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union.

Our mapping demonstrates that the integration of migrants, which ranks second in frequency after asylum-oriented projects, remains an important topic in legal research. Integration is, however, a less prominent topic in legal research than in the social sciences. There are a number of possible explanations for this relative under-representation of integration in legal scholarship. First, the legal framework on integration has not undergone major reforms in recent years, so the need for clarification and updating may not be as urgent as it is for asylum legislation, which is under great pressure and is constantly evolving. Civic integration examinations for individuals preparing for citizenship appeared in the 2000s, raising a number of legal questions and prompting a great deal of

scholarship to answer them, but these have for the most part been clarified. Second, one of the limits of our mapping is that it focuses rather narrowly on migration and not on human rights more generally. Research projects touching upon integration issues within a broader human rights framework, such as the freedom of religion or the right to education, may well have been overlooked. Third, integration is a social phenomenon that is more difficult to address through recourse to dogmatic legal methodology, which, as we have shown above, remains influential within legal research. While the value of the dogmatic approach for clarifying and ensuring the coherence of the legal framework is undeniable, it is clearly better suited to dealing with the relationship between legal orders, in particular between national, EU, and international law, when they are faced with asylum and border control challenges.

1.c. The Research Landscape is Fragmented

Most research projects deal with a single category of migration, defined mostly on the basis of nationality/ethnicity in the case of the social sciences or legal status in the case of law. The research on migration is therefore compartmentalized along these various categories of migration and migrant statuses. While such a division may be seen as an unfortunate but necessary strategy for narrowing the research topic to a manageable size, it may nevertheless impede dialogue and the circulation of knowledge between different topics and disciplines.

1.c.(i) Social Sciences

Most of the social science research conducted relies on empirical data collected on a specific group of migrants, typically selected on the basis of nationality and/or ethnicity, as is demonstrated by several of the examples cited above. This is also confirmed by Yalaz and Zapata-Barrero (2017: 16), whose mapping reveals the continuing impact of ‘methodological nationalism’ (Wimmer and Glick Schiller 2002) and the ‘ethnic lens’ (Glick Schiller et al. 2006; Glick Schiller and Caglar 2013) in the current ‘super-diverse’ era (Vertovec 2007).

Moreover, as was already observed, asylum-seeking and/or refugee migration is treated as a category of its own, and one is growing in importance. However, there are other sub-groups of migrants. For instance, there are projects that either exclusively concentrate on female migrants’ experiences¹⁰⁴ or look into gender roles and life strategies in Muslim migrant families.¹⁰⁵ This sub-category also shows a concentration of studies examining the socio-economic integration of migrant women and families in Germany or in a multi-country comparison. Examples include the project on the ‘success biographies’ of the female migrants at the Migration, Integration and Asylum Research Centre of the German Federal Office for Migration and Refugees (BAMF)¹⁰⁶ and

¹⁰⁴ Bielefeld University: *Au-Pair Migration: Geographical and Social Mobility of Young Women between Russia and Germany*; BAMF Research Centre: *Fertility of Female Migrants and Changes in Family Formation in Comparison; Success Biographies of Female Migrants*; but also: *The Integration of Immigrating Spouses in Germany*.

¹⁰⁵ BAMF Research Centre: *Gender Roles among Christian and Muslim Germans and Immigrants*; Philipps-Universität Marburg: *Genderbeziehungen im begrenzten Raum. Bedingungen, Ausmaß und Formen von sexueller Gewalt an Frauen in kriegsbedingten Flüchtlingslagern*; Berlin Social Science Center (WZB): *Is Blood Thicker than Water? Family and Gender Values and Their Impact on the Social Distance Between Muslim Migrants and Natives in Western Europe*.

¹⁰⁶ BAMF Research Centre: *Success Biographies of Female Migrants*; but also: *The Integration of Immigrating Spouses in Germany*.

the project at WZB¹⁰⁷ that investigates the interaction effects of gender and migration on labour market success. Another sub-group of migrants that is tackled separately is highly educated migrants, including international students. The titles of these projects ('Mobile Talent' and 'Train and Retain';¹⁰⁸ 'Bright Futures'¹⁰⁹) reveal a different approach that emphasizes understanding motives for migration and identifying structural features that would attract these 'ideal immigrants' and encourage them to stay in Germany. Therefore, even though these categorizations might be necessary for the sake of analytical scrutiny, one should remain critical about their normative inferences, as the choice of one category of migrants over others influences the type of questions asked.

1.c.(ii) Law

In law, research topics are often identified on the basis of the legal status of migrants – i.e. as asylum seekers, irregular migrants, beneficiaries of family reunification, migrant workers, and so forth. It seems natural for lawyers to circumscribe their area of research according to legal statuses. As in the social sciences, this leads to a clear separation between research on asylum and research on migration. It reflects the *summa divisio* within the legal framework between asylum, where the rules are designed to protect and give rights to migrants, and migration, where the emphasis instead lies on the prerogative of states to control their borders. This legal distinction corresponds broadly to the distinction in the social sciences between forced and voluntary migration.

A few projects, however, develop more comprehensive studies that go beyond the analysis of a group of migrants defined on the basis of legal status. Such projects either aim to comprehensively outline the legal framework following the dogmatic methodology, or they address the legal framework from a single specific perspective,¹¹⁰ such as the University of Louvain's project on migrants' agency vis-à-vis the legal framework. In our mapping, however, such projects are the exception rather than the rule.

Using legal status to identify the research topic is a natural way to proceed in legal studies and has the advantage of avoiding research of such a broad scope that it loses precision. This methodology, however, has two consequences that should not be overlooked. First, migrants usually move for a number of reasons, not all of which are reflected in their legal status. They also navigate between different statuses throughout their migration trajectory. Looking at a single status does not allow one to address these realities. Second, exclusively focusing on a single legal status may be an obstacle to efficient dialogue between law and other social sciences.

¹⁰⁷ Berlin Social Science Center (WZB): *Gender and Migration on the Labour Market: Additive or Interacting Disadvantages in Germany?*; but also: University of Bremen: *The Interplay between Gender, Occupations and Family migration in Germany (GOFAM)*.

¹⁰⁸ Expert Council of German Foundations on Integration and Migration: *Mobile Talent – Staying Intentions of International Students; Train and Retain – Career Support for International Students; Study and Work – How International Students Experience Their Job Search in Germany*.

¹⁰⁹ University of Bremen: *Bright Futures: A Comparative Study of Internal and International Mobility of Chinese Higher Education Students*; see also, Zeppelin University Friedrichshafen: *Europeanization of Higher Education: Between global Knowledge Society and National Traditions*; Freie Universität Berlin: *African Medical Migration: Nigerian Doctors in the USA between Conflicting Priorities of Moral, Economic and Professional Commitment*.

¹¹⁰ See Catholic University of Louvain (UCL), LIMA: *Personal Aspirations and Processes of Adaptation. How the Legal Framework Impacts on Migrants' Agency?* (ongoing).

2. Research Focus of the WiMi Project

2.a. *The Guiding Principles*

Our mapping shows that the research on migration in law and in the social sciences is rich and dynamic. It is multidisciplinary, responsive to public debates, and fragmented in the sense that most research focuses on one category of migrants, which usually corresponds to the nationality/ethnicity or the legal status of the migrants.

Building on these three findings, the WiMi project has the following objectives:

- to develop a multidisciplinary research design that will allow for dialogue and cooperation among the disciplines involved while still allowing each discipline to draw on the strengths of their methodological specificities;
- to contribute to public debates from a different angle, by using *exclusion* instead of integration as the main analytical focus;
- to question the categorization of migrants on the basis of nationality/ethnicity, because this can disguise similarities in the experience of exclusion. WiMi also seeks to cast a critical light on the standard categorization of migration on the basis of legal statuses, with the hope of more accurately accounting for the multiplicity of statuses and the social realities that they cover.

First, we acknowledge the need to study migration from a multidisciplinary angle. Our common initiative is intended to foster dialogue among different disciplines. We further seek to involve not only disciplines that frequently work together, such as anthropology, political science, and sociology, but also more mono-disciplinary ones such as law, demography, and history. Moreover, we make use of a variety of methodologies, including quantitative surveys, register data, qualitative interviews with experts and migrants, archival research, and participant observation. While our objective is to respect the methodological specificities of the disciplines involved – each of which has its own strengths – we are also committed to developing a fruitful dialogue among the various institutes taking part in the initiative.

Second, we take seriously the academic community's obligation to engage in public debates and to enrich these debates with the insights of their research. Our choice of exclusion as our main analytical category furthers this end, as we believe that it offers a fresh angle from which to approach pressing issues related to migration in Germany, particularly the limits of political membership.

The main research topics highlighted by our mapping (integration, asylum, and border controls) indirectly relate to the exclusion of migrants. Even studies that focus on integration implicitly deal with exclusion as the flip side of integration; when research is conducted on the integration of migrants, the exclusion mechanisms at play also come into the picture. However, perhaps as a Luhmannian legacy,¹¹¹ exclusion is often treated as the natural opposite of inclusion and is rarely explicitly defined (for an exception see Schlee 2008). Research traditionally focuses on how

¹¹¹ Luhmann's systems-theory approach conceptualizes inclusion/exclusion as a binary distinction and posits that inclusion always involves exclusion since individuals are only included in a social system through their functional roles, ignoring the rest of their individuality (exclusion individuality). See Luhmann (1989) for a more extensive explanation.

migrants may be integrated rather than on how a given social group excludes (some) migrants when it establishes the limits of its membership. Studies on asylum and border controls, which account for a substantial portion of the legal research on migration, also implicitly deal with exclusion. Any study of the legal framework regulating the entry and residence of migrants implies an analysis of how the law engages in a selection process among migrants and hence generates exclusion. However, exclusion often appears as the mere natural consequence of the selection mechanisms at play and therefore remains largely unspoken and unexamined. While many conclusions may be drawn from our mapping, the most striking to us is the need to acknowledge exclusion, to understand how it is organized, and to assess its societal consequences.

Our initiative therefore aims to go beyond a study of exclusion by implication, instead focusing on exclusion as its main analytical tool. We believe that such an approach will allow us to better grasp current issues related to migration while still building on existing research. It opens up numerous research questions by highlighting the fact that the distinction between the included or integrated migrant and the excluded one is not clear-cut, nor does exclusion manifest itself in a unique and unequivocal act of rejection performed at the border. Exclusion has a socially, emotionally, and historically embedded quality that goes beyond the acquisition of a specific legal status. It is a non-linear process that results from a multiplicity of acts of diverse nature that take place in various contexts long before and long after migrants have crossed the physical border of a state. There has not yet been extensive research into such acts, their effects, the reactions they cause, and what they tell us about how a given community defines its own boundaries, particularly following the 2015 ‘migration crisis’, which has revived heated controversies about the nature of national belonging. While formulating prescriptions regarding how societies should define their boundaries and select which migrants to exclude is expressly not the objective of our initiative, we wish to contribute to public debates by providing a new perspective and unveiling the mechanisms of exclusion at play and their effects on migrants and our societies.

Third, we want to avoid excessively ‘groupist’ designs that carry the risk of essentializing the differences between the groups or prioritizing certain groups over others and attributing more ‘deservingness’ to them. We have decided not to focus on any particular group of migrants or on the even more contested notion of ‘majority society’, but rather to examine the overarching phenomenon of exclusion in the field of migration. We also intend to question the ‘naturalness’ of contemporary categorizations and shed a critical light on legal statuses. We have therefore developed a multidimensional approach to exclusion which is designed to cut across differences between the various categories of migrants and to focus on the realities and experiences of exclusion shared by migrants and citizens alike. This is not to say that we deny that such realities and experiences may vary according to the context in which they materialize, but we treat the categories of migrants not as dimensions of exclusion in and of themselves, but rather as one element that may feed into the dimensions of exclusion that we intend to study.

In the remainder of this working paper we will concentrate on unpacking our approach for systematically analysing migrants’ exclusion. Because we build on the existing literature, we briefly provide an overview of existing work on the exclusion of migrants before highlighting the multidimensional approach we have developed for studying that phenomenon.

2.b. *The Treatment of Exclusion in Migration Literature*

In the literature it is widely acknowledged that exclusion is an inevitable and intrinsic condition of modern life. As Linklater puts it, “to be immersed in the modes of exclusion and inclusion and to possess accounts of their significance for the self and for relations with others is a large part of what it means to belong to a form of life” (1998: 115). In this sense, exclusion has often been cast as a ‘necessary evil’ of membership in the nation-state era: political entities rely on pre-established criteria that produce and are produced through exclusion. And exclusion continues to be created, negotiated, and transformed on a daily basis through norms, both written and unwritten, through knowledge embodied in language and other media, and through interactions, practices, and habitualized forms of behaviour. Generally speaking, exclusion is a relevant concept throughout the social sciences. However, for the purposes of the WiMi project and therefore of this working paper, we limit ourselves to the exclusion of migrants specifically.

The scholarship on migration has dealt with exclusion mostly by implication, by and large in the context of studying inclusion or, in the *jargon du jour*, integration. A considerable number of studies have, however, sought to document migrants’ exclusion in one way or another. More often than not exclusion has been addressed as a social or legal situation that migrants find themselves in. Therefore two strands of research can be broadly identified that concentrate on 1) migrants’ social exclusion, and 2) migrants’ legal exclusion, which focuses more on access to and effects of various legal statuses.

Scholars have typically identified the social exclusion of migrants in their marginalized situation in the labour and housing markets and in the educational system; this marginalization occurs not least due to migrants’ lack of access to resources and experiences of discrimination (see e.g., Phillimore and Goodson 2006; Phillips 2010; Yang 2013). In this sense, these studies connect with an adjacent body of literature dealing with so-called ‘ethnic penalties’ (Heath and Cheung 2006, 2007; Heath et al. 2008; Gracia et al. 2016) that has drawn attention to the persistent disadvantages and inequalities in employment and educational attainment that migrants and minorities (particularly second generation) experience. Recently, increasing attention has been given to the impact of social exclusion on the (mental) health of migrants (e.g. Davidson and Carr 2010; Li and Rose 2017). Besides this particular focus on what can be called the structural aspects of social exclusion, some studies have examined social exclusion in a broader sense, including how migrants or minorities are denied social membership and prevented from participating in national or local communities (e.g., Anthias and Lazaridis 1999; Basok 2004; Body-Gendrot and Martiniello 2000; Mai 2005; Spicer 2008; Triandafyllidou 2000). Similarly, there is a growing socio-psychological literature on the anti-immigration (exclusionary) attitudes of ‘majority societies’ (Davidov and Semyonov 2017; Gijsberts et al. 2017; Hercowitz-Amir et al. 2017; McLaren 2003; Scheepers et al. 2002)

The second strand of literature, namely that dealing with what we refer to as the legal exclusion of migrants, has dedicated much attention to border regimes that hinder access to territory and immigration policies that create stratification of migrants and regulate their access to formal entitlements. There is also a large body of work that deals with large-scale trends in immigration or citizenship policies and ways to measure the restrictiveness of these policies (e.g., Baubock et al. 2006; Bjerre et al. 2014; Goodman 2015; Haas et al. 2016; Helbling et al. 2013; Howard 2009; Koopmans et al. 2005); however, they do not make use of exclusion as an analytical category. The

studies that we build on here draw attention to the ways that state policies at the local, national, and transnational (European) levels are geared towards excluding migrants from a territory and/or access to rights. For instance, Ambrosini (2013) highlights how some local authorities in Italy – who have become major actors in immigration and integration matters (see, e.g., Caponio and Borkert 2010; Penninx et al. 2004; Scholten and Van Breugel 2018) – design measures specifically to exclude migrants from rights and benefits. Van der Leun (2006) offers a counterexample with a study of street-level Dutch workers’ reluctance to implement exclusionary policies.

The literature on the legal exclusion of migrants also draws our attention to two significant concerns that form the core of our project, namely 1) the malleability of categories of migrants, and 2) the liminality of exclusion. To start with the former, several studies show how seemingly clear-cut legal categories for migrants are open to negotiation and alteration as a result of both the rapid changes in policies (Crawley and Skleparis 2018; Long 2013; Zetter 2007) and discretionary bureaucratic practices (e.g., Gilboy 1991; Alpes and Spire 2014; for Germany, see Eule 2014; Riedel and Schneider 2017; Schittenhelm and Schneider 2017). Crawley and Skleparis (2018) further underscore how these categories, and particularly an oversimplified dichotomy between migrants and refugees, were upheld and reproduced for the purposes of exclusion during the recent ‘migration crisis’. On a related point, migration scholars have stressed the thin line between legality and illegality, with some arguing that illegality ought to be conceptualized as a product of the law itself (Calavita 2005; De Genova 2002; Fabini 2017); others have challenged the tenability of the distinction given the growing category of in-betweens. Most provocatively, De Genova (2013) states that migrants’ illegality is essentially a spectacle that is performed by immigration law and the bodies that enforce it: they establish a ‘scene of exclusion’ that disguises an ‘obscene of inclusion’, namely, migrants’ ‘illegal’ labour. However, De Genova (2002) also warns against false hopes, reminding us that inclusion, even for legal migrants, always operates under the shadow of disciplinary power and the threat of migrants’ ‘deportability’.

Regardless of the question of whether illegality is tolerated or fuelled by the states, several other scholars have also noted the growing number of situations that evade typical categorizations as legal or illegal. A number of adjectives have been deployed to make sense of the empirical reality of migrants, including but not limited to ‘precarious’ (Goldring et. al. 2009), ‘semi-compliant’ (Ruhs and Anderson 2010), ‘quasi-legal’ (Düvell 2008); ‘liminal’ (Menjívar 2006), and ‘semi-legal’ (Kubal 2013). While these conceptualizations are built on empirical examples of migrants who fall into such in-between statuses, they all share the same underlying message: there is a need in migration literature to move beyond the binaries of legality/illegality and inclusion/exclusion. Not only are there numerous statuses that cannot be categorized as strictly legal or illegal; legal exclusion also often exists simultaneously with inclusion – however precarious or partial it may be – in other significant social spheres (e.g., education, labour market, housing) in migrants’ everyday lives. This literature therefore warns against making an *a priori* assumption that migrants’ legal status is the major determinant of all of their social interactions (see, e.g., Coutin 2000; De Genova 2002; Kubal 2013; for a counter-argument see Menjívar 2006).

2.c. *Multidimensional Approach to the Exclusion of Migrants*

Building on insights from the literature on the social and legal exclusion of migrants, we understand exclusion as the outcome of practices by state and non-state actors that hinder migrants' access to territory, rights, and resources, as well as their participation in societal spheres.

We argue that the exclusion of migrants is better understood as part of a non-linear continuum. Inclusion, then, is not the flip side of exclusion; it is, rather, the other end of a continuum. Since migrants are positioned differently in different spheres of life and at different times, their exclusion is not always absolute but often ambiguous. Similar ideas on inclusion have been expressed by scholars using terms such as 'differential' (Baban et al 2017; De Genova, Mezzadra, and Pickles 2014; Fabini 2017; Ye 2017) or 'partial' inclusion [*Teilinklusion*] (Atac and Rosenberger 2013) to account for the precarity or, in De Genova, Mezzadra, and Pickles' (2014: 79) words, the "subordination, exploitation, and segmentation" that inclusion in different societal spheres involves. De Genova, Mezzadra, and Pickles (ibid.) find this concept to be of particular relevance for registering "the multiplication of migration control devices within, at and beyond the borders of the nation-state".

By no means should this be understood as downplaying the marginalizing effects that legal or social exclusion has on migrants' lives; rather we hope in this way to arrive at a more sophisticated understanding of the mechanisms of exclusion and bring to the fore the interdependencies and interactions among the many facets of this comparatively understudied phenomenon. We have, therefore, identified six constitutive elements of the exclusion of migrants: acts, actors, areas, moments, representations, and reactions.

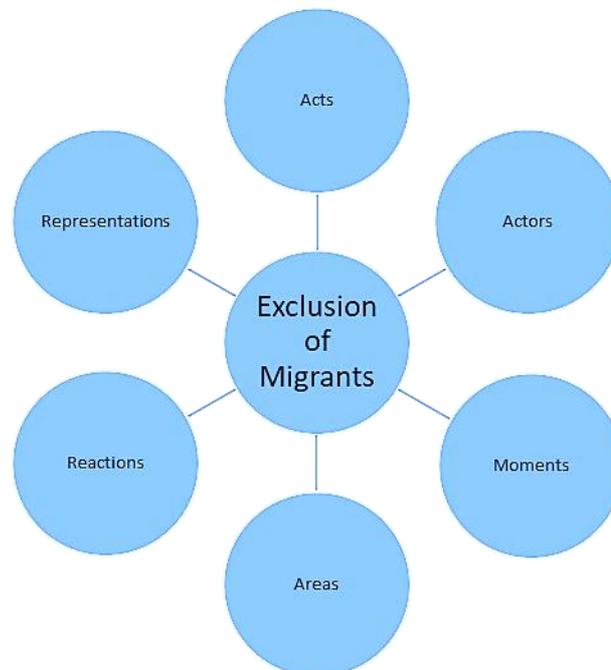


Figure 7. *Constitutive elements of the exclusion of migrants*

Actors of exclusion: A variety of actors potentially engage in practices of exclusion. Our initiative has a strong focus on *state actors*, who have considerable power in the configuration and allocation of resources through legislation and other regulatory measures. This power,

though considerable, is not absolute, for state actors are subject to the constraints of international and EU law.

In the case of migrants, state actors can use the mechanisms of the state to engage in exclusion in multiple ways. Migrants may be forbidden from entering the territory of a given country, from remaining or working in that country, accessing its healthcare or educational systems, establishing a family, etc. However, states are not monolithic actors; they are multilayered and multilevel assemblages of bureaucracies and agencies with diverse sets of interests that act within or outside the legal sphere. The line separating an individual's public role from his or her role as a private person with preferences, aversions, interests, sympathies, and identifications in the social space may be extremely difficult to draw and remains an empirical question.

The WiMi project seeks to engage with these different 'faces of the state' (Navaro-Yashin 2002), covering both the international and EU levels as well as local administrations in Germany. While the state's intervention is more often than not limited to matters of legality or material resources, the heterogeneous *society* and its different *emotional communities* (Rosenwein 2006) co-determine the way in which exclusion is enacted in everyday life. Just as it is difficult to draw a clear distinction between state and society because state officials also have social identities and belong to communities, it is also untenable to conceive of society and community as separate entities. These entities interpenetrate one another. Moreover, society and the things that bind its members together in emotional communities are not predetermined and unchanging factors; they are created and transformed through past and present practices of exclusion and inclusion. While these ties and norms often remain unspoken, it is precisely these elements that can in practice result in varying degrees of exclusion. Therefore, our conceptual understanding of exclusion obliterates the polarity or dualism not only between state and society, but also between 'insiders' (citizens/locals) and 'outsiders' (refugees/migrants) by focusing on exclusion in everyday social relations and interaction in different areas (elaborated below). In other words, the binary opposition inclusion/exclusion applies to individual legal and social acts (of inclusion/exclusion). As these are manifold and ubiquitous, they do not result in fixed categories of people (the included/the excluded/those who exclude), nor in neat and permanent binary oppositions of such categories. Acts of exclusion are actor- and situation-specific, and they are gradual.

Acts of exclusion: Acts of exclusion involve a wide range of ways that hinder access to material and immaterial resources as well as to deny membership or participation in a group or alliance, broadly understood.

Exclusion is a function of multiple forms of often cross-cutting identities, expressed in acts of identification (denial of shared identity; identifying someone as 'other') that are both singular (any such act might differ from any other such act) and cumulative (our social reality is made up of many such acts by many people). Exclusion often works not by denying the other a particular social identity or ascribing it to her or him, but by attributing different degrees of salience (Eidson et al. 2017: 341) to certain identities. For instance, a person who shares the same national citizenship with a given actor but differs in terms of ethnicity can be treated as included/in-group/the same if nationality is foregrounded, or as excluded/different/alien/other if ethnicity is foregrounded. Thus, inclusion and exclusion depend not on whether a defining feature is present or absent, but on the position the feature is accorded within a hierarchy of features in a given situation.

Exclusion therefore results from appealing to a marker or combination of markers that set certain people apart from the actor who performs the exclusion. While performing the 'excluding', actors might make use of laws, institutional arrangements, government provisions, or administrative and court decisions, as well as less institutionalized instruments

such as discursive strategies, rhetoric, norms, practices and habitualized behaviours. As the literature cited above shows, in the context of migration, exclusion is intrinsically linked with legality, on the basis of which specific rights and resources are granted or taken away. Moreover, often migrants fall in and out of legality. They may spend considerable time ‘in limbo’, facing legal uncertainty.

The WiMi initiative aims to collect an inventory of such scenarios in which the legal system denies access to a set of rights, as well as to identify the tensions that this may create with international norms established to protect the fundamental rights of every human being. At the same time, we recognize that exclusion is not just a matter of legal status. Just as migrants who are in precarious legal statuses can be included in other spheres of life, so too can migrants be excluded even when they are legally equal individuals who apparently belonging to the same social group as the local population. Alternatively, self-exclusion can be employed as a strategy by migrants or migrant communities.

Moments of exclusion: Another core component of our concept of exclusion is its temporality. We assume that migrants are not excluded at all times with the same intensity; there are particular moments when acts of exclusion are more accentuated.

The typical trajectory of international migrants – starting when they overcome the initial territorial exclusion by successfully entering a given state, which marks an important milestone but is by no means the end of the story – highlights such moments. Migrants try to secure one legal status or another, following a process that is often not linear and that may impose restrictions on the migrant. We will make a distinction based on whether restrictions are applied before arrival in Europe (e.g. visa regime), during the process of applying for residence (e.g. admissibility requirements of the asylum application), or after settlement (e.g. work permits, naturalization, etc.) and we will seek to demonstrate the impact of the restrictions at each of those stages. Furthermore, even if some kind of legal status is secured, exclusion can still appear in other important and mundane events and domains of life through everyday practices even after an individual has, legally speaking, established secure residency. While looking for a job, a school, or a place to live, individuals may find that a foreign-sounding name, a different skin-colour, an accent, or any other marker of difference can lead to exclusion. Therefore different acts and actors of exclusion may come into play at different stages of this process.

Additionally, temporality is significant in order to draw our attention to changes in the political circumstances and social arrangements of the period under scrutiny. Even a brief glance at the current political discourse in Germany, which places more emphasis on deportation and quick processing of asylum applications in contrast to the ‘welcome culture’ of 2015, shows how quickly such shifts can take place. Therefore, it is important to recognize these conjunctures and historicize exclusion as far as possible.

The WiMi initiative recognizes this dynamic and studies exclusion as a process and a non-linear continuum rather than as a one-time, dichotomous (‘yes/no’) event.

Areas of exclusion: in addition to happening at different moments and intervals and through various means used by different actors, exclusion can also occur in one area but not in another. Exclusion in one area does not necessarily imply exclusion in others, nor does inclusion in one area guarantee inclusion in others. However, this does not mean that there are no effects of interaction. On the contrary, the WiMi project is committed to focusing on the interconnections between different areas of exclusion, but without presuming direct and/or causal relationships between any two given areas. Our focus is on three areas of exclusion:

legal, social (including health concerns and access to labour markets), and societal or socio-cultural (the access to and (trans)formation of emotional communities).

This clearly does not cover the full spectrum of areas of potential exclusion; most notably, issues of housing and education are only cursorily examined. The interaction between certain areas can at times be quite explicit; for example, access to regular labour markets is predominantly determined by legal status. However, the opposite can also be true, meaning that finding employment might help migrants regularize their legal status or at least mitigate some of the negative consequences of undocumented or unstable legal statuses. Memories of exclusion and the inability to feel that one is part of an emotional community may have an impact on socio-economic status. Conversely, improved socio-economic status can alter collective memory and may mitigate the sense of exclusion at the emotional level. Health is also connected to these different dimensions – poor health, which can be a result of no or limited access to health services due to legal status or socio-economic background, can impede not only participation in labour markets, but also participation in social life in general.

The reason for the selection of the three areas listed above in our initiative is twofold. First, the MPIs involved have accumulated extensive research experience in these domains, which will allow us to make the most efficient use of time during the three-year initiative and arrive more quickly at concrete research outcomes. Second, and more importantly, the areas chosen are of utmost importance for participation in social life and opportunities to pursue meaningful life choices.

Representations of exclusion: While exclusion is constituted through acts of exclusion and challenged through reactions against exclusion, such acts and reactions are also represented in various ways through different stories produced by the media, the arts, or others. These representations come to form collective memories of exclusion, which foreground temporary everyday exclusions that migrants encounter. Such memories are embroiled in a myriad of emotions that are also regularly used to categorize migrants according to ‘deservingness’.

Wollmer and Karakayali (2018) demonstrate in a recent article the volatility of representations of migrants in (social) media in Germany, which demonizes certain groups and thereby exacerbates their exclusion. In that sense, representations themselves can be the source of exclusion – while representations may do this unintentionally they nevertheless constitute an analytically distinct unit, which the WiMi project aims to cover particularly by looking at memories as a form of representation and what emotions of exclusion they give rise to.

Migrants also develop their own individual and collective representations of their experiences of exclusion, which in turn may over time come to constitute founding myths of their communities. Common experiences of migration and exclusion contribute to the emergence of collective representations within migrant communities, which may in turn strengthen their cohesion or, conversely, lead migrants to dissociate themselves from their own community.

Reactions against exclusion: Even though migrant groups might be more often at the receiving end of exclusionary practices, they are also agents of reactions that involve forms of solidarity, resistance, reaffirmation, and repossession.

In other words, migrants not only experience exclusion passively, but also react to it by means of individual or group strategies, ranging from efforts to overcome exclusion through asserting their social and cultural integration to organizing themselves into their own communities. They may also defy and successfully alter the very boundaries upon which the emotional communities are built in an effort to carve out a space for themselves (see Wimmer

2008). Migrant newcomers and local people may come together in ‘sociabilities of emplacement’, meaning that they may ‘together build aspects of their social belonging (Glick Schiller and Caglar 2016: 21). Alternatively, migrants may choose to self-exclude from the mainstream, an act that can potentially result in return migration. They also navigate the omnipresence of legal exclusion via strategies for survival while living in an insecure situation (e.g., undocumented), as well as, at times, through mobilization of the law itself, by appealing to national or transnational courts.

We do not view the six constitutive elements of exclusion as independent from each other, but as interrelated. There are a variety of state and non-state *actors* that engage in exclusionary *acts* on specific *areas* at certain *moments*. Such exclusionary acts are produced and reproduced by *representations* of exclusion and contested by *reactions* against exclusion. That relationship between the various constitutive elements of migrants’ exclusion can be schematized as follows:

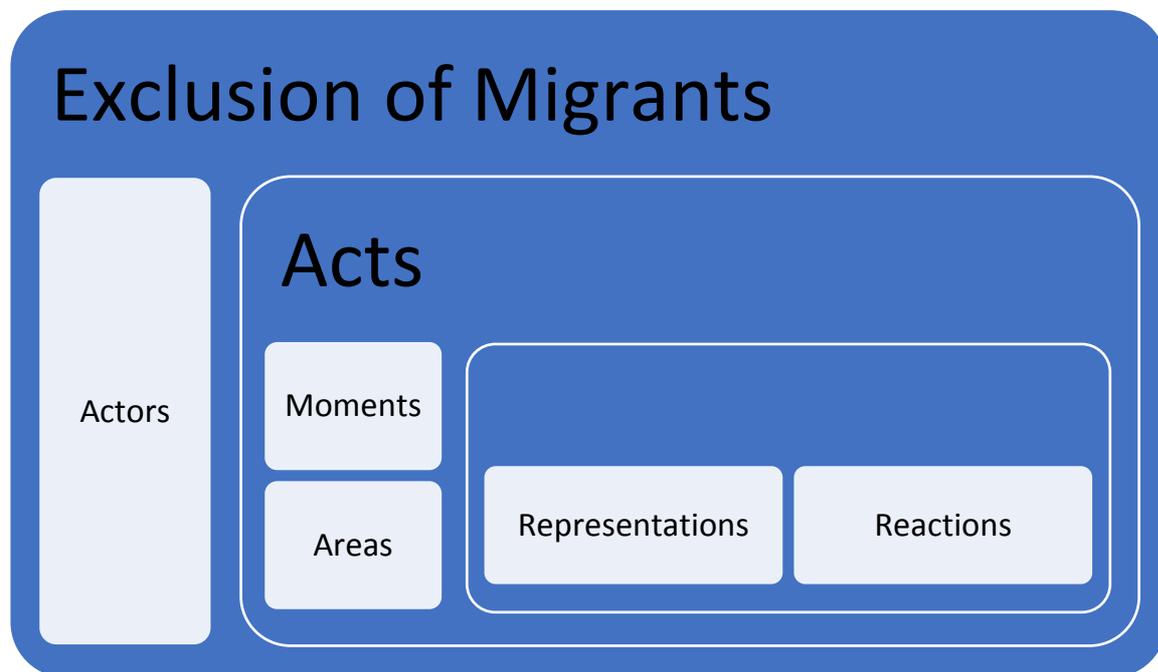


Figure 8. The interrelations between the constitutive elements of the exclusion of migrants

Conclusion

In the wake of the arrival of record numbers of asylum seekers in 2015, which had and continues to have wide societal consequences in Europe and Germany, the WiMi initiative seeks to gather the expertise on migration developed within several Max Planck Institutes. From the early stages of planning the initiative, researchers came together around the shared objective of informing contemporary public debates by providing research data on migration.

Migration has always attracted substantial scholarly attention, not least due to the perception that it disrupts the ideal of neatly bounded culturally homogeneous societies within nation-states. In order to make use of the existing research and the insights and knowledge gathered so far, when developing our research initiative we mapped the main migration-related research projects of recent years. This gave us a sense of the main trends in the research on migration, which is

multidisciplinary, responsive to public debates, and highly focused on individual categories of migrants (often determined on the basis of legal status and/or nationality or ethnicity). Taking these lessons into account, we decided to build a common framework that would 1) allow for a true dialogue among the various disciplines involved while giving sufficient room for each discipline to draw on the strengths of its own methodology, 2) be responsive to public debates, and 3) go beyond traditional categorizations of migrants.

Moreover, we observed that the research on migration often focuses on the integration of migrants. The selection mechanisms that are inherent to all communities and which necessarily define criteria for membership on the basis of various formal and informal rules are mainly studied from the angle of the inclusion of migrants within a given community. That is not to say that the counterpart of inclusion – that is, exclusion – has been completely left out of the picture thus far, but it has generally been dealt with only implicitly. We therefore decided to use exclusion as our main point of departure and analytical category, while also acknowledging that exclusion does not fall into neat categories of either/or, but a gradated phenomenon which is situation-specific.

While focusing on exclusion certainly does not eliminate the ‘methodological nationalism’ (Wimmer and Glick Schiller 2002) inherent in most migration research designs, it nevertheless opens up a wide area of research relating to the way societies define the limits of their membership and the challenge of designing fair policies in an era of global mobility. Seen from a policy perspective, exclusion is not necessarily considered a problem. The decision whether to grant a person right to residence within a country’s territory and other associated rights is perceived as an intrinsic part of managing migratory flows and balancing different policy objectives. These objectives are usually linked to the receiving country’s economic situation and to the need for growth in certain professional sectors in particular. Based on such a perspective, the first responsibility of the public authorities is to ensure that migration policies prioritize selectivity. Accordingly, the authorities are seen as the ones responsible for distinguishing between regular and irregular migration, a distinction dictated by the interests of the country where the new migrants are arriving.

The opposite view sets priorities differently, seeing every human being – whether in the country lawfully or unlawfully – as holding at least some basic rights. From this perspective, the first concern is to come to the aid of the migrants and their varying needs; the economic priorities of a country do not in any way change the fact that the fundamental rights of every individual must be respected. Those rights are not absolute, of course, and, can therefore be subjected to conditions that are legitimate and proportionate to the objective sought. An exception is the ban on inflicting inhuman or degrading treatment: every human being who is facing a real risk of suffering from such serious human rights violations is entitled to adequate protection. It follows that those who adopt this perspective will see the mechanisms of exclusion differently, and more critically. The focus will be first of all on the respect due to the migrant, a respect that is also binding for the public authorities.

These two perspectives represent two extremes, of course, and the reality on the ground is far more complex. Research topics that we work with include but are not limited to: a) the consequences of new modes of selection in migration law that result from a fragmentation of legal statuses and rules aimed at proactively managing migration flows before migrants reach the territory; b) the shaping of long-lasting emotional communities as a result of a common experience of exclusion; c) the strategies and everyday lives of migrants who find themselves with an

‘irregular’ status or in ‘legal limbo’ within the territory of a given country; d) the socio-economic and health consequences of exclusion; and e) the reactions of a community to the return of its previous members as a result of their exclusion from another community.

With a view to studying exclusion in a coherent way that would foster dialogue and cooperation among the institutes involved and go beyond the usual categorization of migrants, we built an analytical framework that rests on six dimensions of exclusion: actors, acts, moments, areas, representations, and reactions. Exclusion results from the actions of various *actors*, who perform different *acts* of exclusion that materialize at different *moments* and in different *areas* of life. Such acts lead in turn to a certain *representation* of the experience of exclusion and to *reactions* against that exclusion. The objective of our initiative is to gather and present information on these various constitutive elements of exclusion in order to provide an accurate understanding of that phenomenon. By acknowledging the reality of exclusion, studying how it is performed and highlighting the consequences for migrants and for our societies, we ultimately hope to inform current societal debates on how to react to the many challenges related to migration.

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