

Forced Migrants as 'Illegal' Migrants

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Abstract and Keywords

This chapter examines how many of those refugees and asylum seekers making transnational journeys are classified as irregular migrants by states who seek to make such movements illegitimate. It considers the framing, targeting, and active production of 'forced migrants as illegal migrants' in the literature and highlights the importance of the labels of 'forced' and 'illegal' in the governing of migration. It discusses the concept of 'figures of migration', which is based on the notion that categorizations of people on the move such as the 'refugee' or the 'illegal migrant' do not represent distinct social groups sharing characteristic features. Furthermore, it looks at how academic knowledge production might intervene in the contested politics of mobility in order to refuse, destabilize, or subvert the terms by which the rendering of 'forced migrants as illegal migrants' has become unambiguous.

Keywords: refugees, asylum seekers, transnational journeys, irregular migrants, forced migrants, illegal migrants, migration, figures of migration, politics, mobility

Introduction

To describe forced migrants as illegal migrants is highly contentious, since it would appear to criminalize those who have no choice but to migrate (Schuster 2011; Hamlin 2012). To refer to 'forced migrants' is to highlight the extremity of conditions under which certain groups 'decide' to undertake the migratory journey. An emphasis on forced migration implies a series of factors such as political persecution, ethnic conflict, inequitable access to natural resources, declining living conditions, and chronic and pervasive human rights abuses marking a limited agency on the part of those migrating (Castles 2003). Based on this assumption of restricted agency, forced migrants are generally conceived of as legitimate if not strictly legal. Hence, Article 31 of the 1951 Geneva Convention stipulates that 'Contracting States shall not impose penalties [on refugees], on account of their illegal entry or presence' (as cited in Dauvergne 2008: 50).

Forced Migrants as ‘Illegal’ Migrants

By contrast, the term ‘illegal migrant’ implies a form of agential capacity that is less restricted than it is rendered suspect through its assumed (yet contestable) illegitimacy (Coutin 2005). The association of migration with criminality has occurred across wide-ranging regions, particularly since migrants increasingly resort to the services of smugglers under conditions marked by the closure of legal migratory options (Castles 2007; Khosravi 2007). In the UK and elsewhere, an emphasis on illegality has been more popularly adopted as a term of abuse, and widely conceived of as antithetical to the victimhood associated with forced migration (Squire 2009). ‘Forced migrants’ on this reading are not the same as ‘illegal migrants’: the former are victims of their circumstances, while the latter are deemed culpable for rendering the task of governing human mobility increasingly difficult.

This chapter provides an overview of research literatures in order to identify three inter-related readings of the heading ‘forced migrants as illegal migrants’. These refer (p. 189) to the framing, the targeting, and the active production of ‘forced migrants as illegal migrants’. The chapter shows that the labels of ‘forced’ and ‘illegal’ are integral to the governing of migration. Rather than using such labels as categories in themselves, it shows how different ‘figures of migration’ can be engaged as analytical lenses by which to trace shifting relations of migration. From this perspective, the currency of the rendering of ‘forced migrants as illegal migrants’ is less contentious than it is symptomatic of a particular conjuncture in the politics of mobility, in which ‘illegality’ has become the prevailing interpretative grid for the governing of migratory movements. While this argument is illustrated through the European context, similar observations have been made in regards to the politics of mobility in Australia (Inder 2010), North America (Mountz 2010), and beyond (Zetter 2007).

An analysis of different ‘figures of migration’ is not dissimilar to one based on the concept of labelling as developed by Roger Zetter in relation to the fractioning of the refugee label. The labelling approach explores ‘how refugee status is distributed and how institutionalised practices seek to distinguish this status from other categories of migrants’ (Zetter 2007: 174). Focusing on institutional practices and their consequences for the labelled, Zetter also seeks to provide a framework ‘to examine the interaction between bureaucratic policy...and the reactions of the labelled’ (1991: 41). It is this dynamic interplay between governmental interventions and particular forms and practices of migration which is underscored by the concept of ‘figures of migration’. It emphasizes the historical emergence of different categories of migration and the contingency of the relations that these produce. Such an approach is helpful as a critical diagnostic of the heading ‘forced migrants as illegal migrants’, because it facilitates a tracing of the key figures of migration through which migrants have been problematized, targeted, and actively produced as both ‘forced and illegal’.

The concept of ‘figures of migration’ is based on the argument that categorizations of people on the move such as the ‘refugee’ or the ‘illegal migrant’ do not represent distinct social groups sharing characteristic features. Rather, the currency of these historically contingent figures reflects particular relations of migration, which ‘correlate to certain

Forced Migrants as 'Illegal' Migrants

constellations of migration policy' (Karakayali and Rigo 2010: 129). Thereby, the focus on particular figures of migration enables the unearthing of several key dimensions of the politics of mobility. First, it allows for a consideration of the complex and dynamic interplay between different forms of migration and particular attempts to control or regulate these. Second, it moves beyond the prioritization of the 'refugee' in the labelling approach. Rather, the 'refugee' emerges as one among many figures of migration. Third, it shows how each of the figures of migration is related to particular framings of the agency of people on the move and how academic knowledge production has been implicated in their development. Thereby, academic knowledge production emerges, fourth, as both a battlefield and a stake in the politics of mobility.

The chapter proceeds in three parts. The first section shows how the framing of 'forced migrants as illegal migrants' involves problematic renderings of migrant agency and draws out the three different readings of this heading. The second section offers a diagnosis of how the framing of 'forced migrants as illegal migrants' has become intelligible, (p. 190) specifically by tracing the successive emergence of dominant figures of migration in Europe since the Second World War, including the 'guest worker', the '(bogus) asylum seeker' and the 'illegal migrant'. The third section concludes by highlighting ways that academic knowledge production might intervene in the contested politics of mobility in order to refuse, destabilize, or subvert the terms by which the rendering of 'forced migrants as illegal migrants' has become intelligible.

'Forced Migrants as Illegal Migrants': Critique and Three Readings

The rendering of 'forced migrants as illegal migrants' has been engaged across a range of sub-fields and disciplines. This includes the sub-fields of border studies (Tsianos and Karakayali 2010; Gerard and Pickering 2012), refugee and forced migration studies (Mortimer 1997; Bakewell 2008; Zimmermann 2009) and migration studies (Castles 2007). It is also one that fosters critical research across a range of disciplines, including anthropology (Khosravi 2007; Schuster 2011), law (Dauvergne 2008; Kneebone 2009; Inder 2010), politics and international studies (Betts 2010; Hamlin 2012), and geography (Black 2003; Mountz 2010). These literatures provide two important insights that allow for three different, but interrelated readings of the coupling of forced migration with illegal migration.

First, recent scholarship has underscored the impossibility of distinguishing voluntary from forced migration. The 1951 United Nations Geneva Convention is based on a clear-cut distinction between political and economic migrants, with the former qualifying as 'refugees' based on the fact of their 'well founded fear of persecution'. Numerous scholars have, however, argued that the underlying assumption, whereupon it is possible to distinguish between refugees and non-refugees in practice, is an illusion. Rather, 'forced' and 'voluntary' are conceived as poles of a continuum, with economic, political, environmental, and social factors shaping peoples' decisions to migrate being interdependent.

Forced Migrants as ‘Illegal’ Migrants

The notion of the migration-asylum nexus seeks to underscore the blurring of forced and voluntary migratory movements at all stages of the migratory process. The motivations for movement are always mixed, while all migrants travel along the same routes, use the same means of transport and rely on social networks of compatriots upon arrival. Whereas the notion of migration-asylum-nexus was taken up in the migration policy discourse in the 1990s under the heading ‘mixed migration’, scholars have insisted that the nexus is by no means a new phenomenon (Castles 2007). From this perspective, the distinction between ‘forced’ (political) and ‘voluntary’ (economic) migrants enshrined in the 1951 Geneva Convention is conceived of as an artificial construct, albeit one with significant legal implications (Richmond 1988; Scalettaris 2007; Collyer 2010). Indeed, the refugee definition of the Convention is often regarded as too (p. 191) narrow and as excluding many types of forced migrants from profiting from protection (Castles 2003; Zetter 2007). For instance, the Geneva Convention has been criticized for not recognizing sexual violence and gender related prosecution as reasons for protection (Essed and Wesenbeek 2004).

Second, the divide between legal and illegal migration has been shown to be a complex and ambivalent one. Various authors have engaged critically with the concept of illegal migration, which is adopted here as a means to explore a juncture of the politics of mobility rather than as a term of analytical merit in itself (Black 2003; Karakayali 2008; Squire 2011). A growing body of literature shows how ‘illegal migration’ is a product of shifting policy and practice (Mountz 2010). This literature highlights restrictive migration legislation and the build-up of border controls as not controlling, but effectively *producing* ‘illegal’ migration (Samers 2004). Besides an emphasis on illegality as a produced and productive condition (De Genova 2002; Sigona 2012), there has also been a growing emphasis on illegality as a condition that is not fixed but which is complex and ambiguous in its functioning (Rigo 2011). This includes analyses that stress the blurred line between the illegal and illicit (Coutin 2005), as well as those unearthing the ways in which unauthorized migrants are incorporated in legal structures and practices (Sigona and Hughes 2012). Indeed, it has been demonstrated that migrants often lapse back and forth between statuses. In contrast to any clear-cut juridical definition, illegality has thus been shown to involve a plethora of forms and conditions (Sciortino 2004; Black et al. 2006; Chauvin and Garcés-Mascareñas 2012).

Together, the literatures on the migration-asylum nexus and on the production of illegality point to the problems of using labels such as ‘forced’ or ‘illegal’. Of particular concern has been the search for a terminology that does not criminalize those to whom it refers. Many scholars have problematized the use of the prefix ‘illegal’, turning to alternatives such as ‘undocumented migrant’ or ‘*sans papiers*’ (in the French context) that challenge assumptions regarding migrant criminality. Yet these alternatives are not always accurate, given that many migrants arrive and live with various forms of documentation (Khosravi 2007; Karakayali 2008; Chauvin and Garcés-Mascareñas 2012). This chapter directly mobilizes the term ‘illegal migrant’ in order to draw attention to the criminalization of migrants, not only by the law, but also through a plethora of practices (Black 2003; Dauvergne 2008). Instead of reifying such labels by using them as analytical categories, this chapter seeks to denaturalize them by engaging labels like ‘refugee’ or ‘illegal mi-

Forced Migrants as 'Illegal' Migrants

grant' as historically contingent figures. Engaging these 'figures of migration' as objects of inquiry in themselves reveals more about the conjunctures in the politics of mobility in which they flourish, than about the people they label. Thereby, the chapter underscores 'the extent to which bureaucratic interests and procedures are themselves crucial determinants in the definition of labels like refugee' (Zetter 1991: 41) 'forced migrant', or, indeed, 'illegal migrant'.

If we take seriously the insight that forced and voluntary are not a binary opposition, but ends of a continuum, and that legal and illegal are not clear-cut juridical statuses, but contested and ambiguous conditions, then the framing of 'forced migrants as illegal migrants' no longer simply appears as contentious. Rather, three different readings of

(p. 192) this heading are made possible. 'Forced migrants as illegal migrants' can be read as a particular mode of *problematization*; as a particular form of *targeting* migrants; and/or as a process of actively *producing* forced migrants as illegal migrants. The first reading claims that many 'forced migrants' are in fact 'voluntary economic migrants' who abuse the asylum system and are therefore 'illegal'. This perspective has gained momentum in media coverage as well as among policymakers in the global North since the 1980s (Squire 2009), while some scholars have at times supported the validity of this claim (Chimni 1998). The second reading suggests that 'forced migrants' are increasingly regarded and treated as 'illegal migrants' through migration policies aimed at their deterrence and containment (Black 2003; Betts 2010). This creates critical distance from the assumption that 'forced migrants are illegal migrants'. Finally, the third reading indicates that many 'forced migrants', including those who would qualify for refugee status, are *actively produced* as illegal migrants (Schuster 2011; Hamlin 2012). The latter is supported by research that suggests some may prefer not to apply for asylum, since this can involve a denial of the right to work and/or detention (Bloch, Sigona, and Zetter 2011), or because restrictive asylum legislation and border control mechanisms prevent the application of asylum (e.g. Schuster 2011; Gerard and Pickering 2012).

It is important to note that these three readings of the heading of 'forced migrants as illegal migrants' are not mutually exclusive, but interrelated. While the first, acritical reading frames and problematizes forced migrants as illegal migrants, the second reading criticizes the policies and practices that are justified by this problematization of forced migrants as illegal migrants. The third reading builds on the previous two by proposing that it is through the problematization and targeting of forced migrants as illegal migrants that forced migrants are effectively produced as illegal migrants. This reading is important because it highlights the dynamic interplay between governmental categories and interventions and the practices and tactics of migration. As such, it draws attention to the struggles between migration and attempts to govern migration, which constitute the politics of mobility (Squire 2011). From this perspective, the heading of 'forced migrants as illegal migrants' is one that is less contentious than it is symptomatic of the contemporary conjuncture in the politics of mobility.

Diagnosing the Labelling of ‘Forced Migrants as Illegal Migrants’

The problematization, targeting, and active production of ‘forced migrants as illegal migrants’ indicates a significant shift in the politics of mobility, which is characterized by the emergence of ‘migration management’ as a dominant paradigm in migration policy (Geiger and Pécoud 2010). ‘Migration management’ implicates a shift whereby the legal/illegal binary has eclipsed the forced/voluntary binary as the governmental grid and terrain for the politics of mobility. It revolves around a utilitarian economic (p. 193) logic, and entails the differentiation of migrants into various ‘desirable’ and ‘undesirable’ categories. Consequently, this new paradigm has not only effectively displaced the prominence of refugee protection, which constituted the dominant framework for the regulation of migration during the Cold War. It also implies a transformation of the post-war refugee protection regime itself (Betts 2010; Scheel and Ratfisch 2014).

Immediately after the Second World War, the forced/voluntary binary dominated the politics of mobility. A sharp distinction between ‘forced’ (political) and ‘voluntary’ (economic) migration was enshrined in the narrow definition of the ‘refugee’ in the Geneva Convention in 1951. The latter was heavily implicated in anti-communist politics at the onset of the Cold War as it afforded Western states a tool to claim moral superiority. At that time political agency was the defining feature of the ‘refugee’, who was imagined as ‘white, male and anti-communist’, fleeing political persecution for protection by Western states (Chimni 1998: 351). Consequently, the Geneva Convention effectively left many ‘forced migrants’ without access to protection. This included not only the thousands of people from the global South fleeing struggles over decolonization and state formation, but also those fleeing non-communist dictatorships in Southern European countries (Castles 2003). In this context, those who may otherwise be categorized as ‘forced migrants’ were faced with a choice of remaining where they were or migrating to Europe as ‘voluntary economic migrants’. The latter is the case for the one million people who fled dictatorship and poverty in Portugal during the post-war period (Karakayali and Rigo 2010). Although clandestine, many of these migrants were able to regularize their status as ‘guest workers’ once they had found employment (Black 2003; Karakayali 2008).

Despite technically qualifying as ‘illegal migrants’ in the sense in which the term has been used in Europe over recent years, these groups were not problematized as such because they could integrate themselves within the matrix of migration policy under the figure of the ‘guest worker’ (Karakayali and Rigo 2010). ‘Guest workers’ were expected to stay and work only for a limited period in the Northern European countries before returning ‘home’. Their right for residence was coupled to the duration of their labour contract. In this context, illegality was conceived as a transitional phase of ‘guest workers’ after arrival and channels of ex-post regularization were available in nearly all Western European countries until the mid-seventies (Sciortino 2004; Karakayali 2008). This example indicates that dominant figures of migration function as interpretative grids for all migration processes, thereby organizing the epistemological and political terrain of both migration

Forced Migrants as 'Illegal' Migrants

and migration policy. It highlights, moreover, that all figures of migration entail certain representational barriers, which surface most prominently in particular renderings of migrants' agency (Karakayali and Rigo 2010). Whereas people fleeing dictatorships in Southern Europe did not comply with the figure of the 'refugee', who was imagined as imbued with political (anti-communist) agency in this period, they could, nevertheless, enter and remain in Northern Europe as 'guest workers', who were imagined as a *homo oeconomicus* with economic agency. This constellation in the politics of mobility is reflected in the discipline of migration studies, which was dominated by economic migration theories at that time (Massey et al. 1998).

(p. 194) Yet, significant shifts occurred in the politics of mobility from the mid-1970s onwards. First, moves toward the liberalization of mobility within the 'common market' of the European Economic Community was accompanied by a series of ad hoc measures that institutionalized migration as a security issue during the 1970s and 1980s (Huysmans 2006). The securitization of migration fed into a growing emphasis on the figure of the 'asylum seeker' during the 1980s and 1990s (Zetter 2007; Squire 2009). For those without family members in Northern Europe, the asylum system became the remaining legal channel of entry after the abolishment of guest-worker schemes (Mortimer 1997; Castles 2007; Karakayali 2008). In the absence of other legal migration channels, 'labour migrants in the 1970s and 1980s had to invent stories of 'political' persecution' (Karakayali and Rigo 2010: 129). Some who might previously have migrated as 'guest workers' or as 'Commonwealth migrants' (in the UK) were in this context better placed to claim asylum (Zetter 2007; Dauvergne 2008: 62). Migrants seeking to satisfy the requirements of governmental procedures often shaped their behaviour by appealing to the currency of the 'refugee' as a figure of migration (Karakayali and Rigo 2010: 130).

Second, there was an expansion of the 'refugee' definition to those fleeing war and communal violence in conjunction with the lifting of the geographical limitation of the Geneva Convention in 1967. This enabled people from the global South to seek protection in the global North. This shift was reflected in the expansion of refugee studies, which were subsequently dominated by a debate on these supposedly 'new asylum seekers' (Martin 1988). It implicated the construction of a 'myth of difference', according to which the features of forced migrants arriving from the global South were markedly different (Chimni 1998). The 'myth of difference' implied a reimagination of the figure of the 'refugee', who was now imagined as a poor and helpless person from the global South. A lack of political agency became the defining feature of the figure of the 'refugee' during this period (Malkki 1996; Nyers 2006). Most importantly, asylum seekers from the global South were also constructed as different with regard to their motivations for movement, precisely because they were imagined as deprived. They were suspected of not fleeing prosecution, but making an informed and beneficial migration choice. These developments heralded the emergence of the 'bogus asylum seeker' as the dominant figure of migration in the politics of mobility (Essed and Wesenbeek 2004; Karakayali and Rigo 2010).

Forced Migrants as 'Illegal' Migrants

It is the salience of the figure of the 'bogus asylum seeker' in media and policy discourses since the 1990s which signals the increasing *problematization* of 'forced migrants as illegal migrants' (Gabrielatos and Baker 2008). The figure of the 'bogus asylum seeker' rests on the assumption that asylum seekers falsely claim to be forced migrants in order to gain entry, but are in fact 'voluntary economic migrants' (Squire 2009). This suggests a shift from the forced/voluntary binary towards the legal/illegal binary as the dominant framework and terrain for the politics of mobility. In contrast to the figure of the 'refugee', whose defining feature is a lack of political agency, the 'bogus asylum seeker' is conceived as imbued with dangerous or excessive agency based on the suspected 'abuse' of the asylum system. The representational barriers of the figure of the 'refugee' implicated in the ascription of a lack of agency were played out in debates regarding the 'bogus (p. 195) asylum seeker'. Since migrating for economic reasons from the global South was politically unacceptable (particularly in times of recession in the global North), pro-migrant groups insisted on the humanitarian character of migratory movements (Karakayali and Rigo 2010). Ultimately, this debate led to the de-politicization of 'forced migration' by framing it either as a humanitarian or a law enforcement problem. Those claiming asylum in Europe were either criminalized as 'bogus asylum seekers' imbued with dangerous agency, or they were victimized as 'genuine refugees' in need of protection due to their lack of agency. That the application for asylum might entail a political dimension was precluded from this debate.

It was thus on the back of the figure of the 'bogus asylum seeker' that 'illegality' emerged as a dominant frame of migration during the 1990s (Karakayali and Rigo 2010). This is reflected in an explosion of publications on 'illegal migration', which had been previously treated as an appendix of labour and asylum migration (Black 2003). Many authors regard the end of the Cold War as a watershed in the global politics of mobility (Chimni 1998; Hamlin 2012). Refugee protection no longer held importance as an ideological tool proving the moral superiority of the West, and its rearticulation along the lines of a 'new humanitarianism' favoured the 'preventive protection' of forced migrants in the countries of origin. Various developments have been understood in light of these policies of containment: from Western wars in Bosnia and Iraq (Frelick 1992), through Australia's 'pacific solution' (Inder 2010), to the pursuit of interception policies against Haitian asylum seekers in the US (Hamlin 2012). This shift is highlighted, among others, by the *problematization* of 'internally displaced persons' (IDPs) in the 1990s, around which forced migration studies was established as a distinct academic field (Chimni 2009). Such developments ran alongside the *targeting* of 'forced migrants as illegal migrants', through policies of dissuasion and deterrence. These featured, among others, the introduction of visa restrictions for citizens from non-OECD countries, the invention of 'safe third country' rules and various temporary protection statuses as well as the detention of asylum seekers in isolated camps for prolonged periods.

Yet, these measures of targeting also conditioned a rise in 'illegal migration' (Samers 2004; Karakayali 2008: 180). On the one hand, the increasing rejection of asylum applications implicated the active 'manufacture of illegality' (Essed and Wesenbeek 2004). While some scholars have backed the claim by policymakers, whereupon falling recognition

Forced Migrants as ‘Illegal’ Migrants

rates of asylum applications from 1985 onwards confirmed that most asylum claims were, in fact, unfounded, others have convincingly refuted this argument as circular, as it basically states: ‘the system is fair because the applicants are bogus, and the applicants are bogus because the system says so’ (Mortimer 1997: 202). Rather, declining recognition rates reflect the tightening of the criteria and procedures for recognizing asylum claims (Kneebone 2009; Mountz 2010; Hamlin 2012). As a result, asylum systems have become so inaccessible that many forced migrants now have to live as illegal migrants (Schuster 2011). On the other hand, asylum systems have become so repressive that some forced migrants now prefer to remain illegal in order to avoid detention and humiliating treatment (Black et al. 2006; Bloch, Sigona, and Zetter 2011). It is here that (p. 196) we can see how the targeting of ‘forced migrants as illegal migrants’ leads to the *active production* of ‘forced migrants as illegal migrants’.

Critically Intervening the Politics of Mobility: Inventing and Unmaking Figures of Migration

The problematization, targeting, and active production of ‘forced migrants as illegal migrants’ is indicative of the present conjuncture of the politics of mobility, in which ‘illegality’ has become the interpretative grid for all migratory movements, including those of ‘forced migrants’. Though this shift is implicated by the emergence of ‘migration management’ as the dominant paradigm in the politics of mobility, a simple return to the refugee protection paradigm as a means to challenge the rendering of ‘forced migrants as illegal migrants’ appears as problematic. This is because the refugee protection regime of the Geneva Convention involves distinctions that are already inscribed within the legal/illegal binary, namely those regarding the legitimacy of forced (political) migration and the illegitimacy of voluntary (economic) migration (Scheel and Ratfisch 2014). Moreover, the dichotomous logic of the refugee protection regime implicates a depoliticization of migration. Through the interrelated processes of criminalization and victimization migrants’ agency is either constructed as excessive or as impoverished. As such, migration is either reduced to a problem of law enforcement or to a problem affording humanitarian practices. Rather than seeking to recoup or rearticulate the agency of migrants in order to counter such depoliticizing manoeuvres, this chapter suggests that it is more appropriate to unearth and intervene in the struggles between migration and governmental attempts to regulate it.

To conclude, the chapter suggests two ways to develop such interventions. First, further work diagnosing how particular figures of migration emerge and become institutionalized as categorizations of migrant groups is required, specifically in order to guard against their uncritical use as analytical categories in academic research. Such analyses might examine how such categorizations not only shape forms of migration, but are also negotiated and appropriated by migrants for the realization of their migration projects. This involves an approach that pays attention to the *politics* of mobility and the subjectivities such politics involve and produce, without celebrating or denigrating migrants in this

Forced Migrants as ‘Illegal’ Migrants

process. It also entails a refusal of the subdisciplinary boundaries of refugee or forced migration studies, whose agendas implicate such categorizations. Such (artificial) demarcations of knowledge fields constitute a veritable self-limitation, and overlook the impossibility of distinguishing univocally between people on the move in practice. Instead, a focus on the struggles between migration and attempts at migratory regulations allows for the consideration of various figures of migration as crucial *stakes* that are shaped by and mobilized in the politics of mobility (Squire 2011). Breaking down the (p. 197) barriers between different types of migration studies facilitates analysis of the ways in which migrants play into but also ultimately undermine the categories into which they are forced.

This leads to the second type of intervention that is important in guarding against the reproduction of governmental categories in academic research. Analyses that ‘invent’ or interrogate *ambivalent* figures of migration in order to disrupt or expose existing ones are of critical purchase here. For example, the analyses of Peter Nyers (2013) and Enrica Rigo (2011) highlight how ‘illegal citizens’ can contest and destabilize historically contingent ways of delimiting populations. Other examples include the relegitimization of ‘irregular secondary movements’ of recognized refugees as a form of ‘self-resettlement’ (Collyer 2010) and research on ‘self-settled refugees’ as a way to explore alternatives to the internment of forced migrants in camps in the course of interventions under the banner of humanitarianism (Bakewell 2008). These works neither simply adopt bureaucratic labels as analytical categories, nor fully distance themselves from them. They rather highlight how migratory regulations lie in constant tension with migratory practices. Thereby, they explore the politics of mobility in terms that open up key tensions to further question. To destabilize or contest dominant figures of migration in this regard moves beyond simply rejecting the heading of ‘forced migrants as illegal migrants’ due to the criminalization that this heading implies. Rather, it offers a possibility to critically intervene the politics of mobility through which such a heading becomes intelligible in the first place.

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Forced Migrants as ‘Illegal’ Migrants

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Forced Migrants as 'Illegal' Migrants

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