

1

Introduction: New Dynamics of Migration and Belonging

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The mobility of people is increasing in quantity and in quality – not only spanning the limits of nation-states but also shifting the boundaries of belonging of social and cultural groups. Hundreds of millions are leaving the regions or countries where they were born to seek political liberties and security or better opportunities for work and education. Highly qualified workers and expatriates extend their range of job opportunities by commuting or circular migration. Retirees from wealthy countries and retired labour migrants create new patterns of pendular migration between different countries. Far greater still are the movements of people fleeing humanitarian crises or persecution on the grounds of political, ethnic or sexual orientations and of those seeking to sell their labour in the cities and factories of foreign countries or in their own, as in China.

In all countries significantly affected by varying forms and dynamics of migration, political actors create new rules, for example, to categorise and govern the migration of ‘refugees’ and the ‘highly skilled’. As a result, free movement on an almost global scale has become a privilege of those deemed wealthy or useful enough. The movements of the majority of migrants, however, people, who are often deemed to be a ‘burden’ to their host societies, have been made more difficult by new rules and regulations.

Accompanying the diversification of rules and regulations to categorise different forms of migration, massive public discourse has unfolded in all countries affected by significant migration dynamics on how to name and characterise those seeking entrance and to define who is a ‘good migrant’ (highly qualified people) and who is a ‘bad migrant’ (low-skilled, unemployed or ‘religiously incorrect’ people). Complementary to laws and official rules and regulations, it is in public

discourse where the meanings of migrant belongings are defined and where the boundaries of belonging are reaffirmed or changed. It is in turn the reaffirmation and changing of these boundaries that legitimises and delegitimises institutions and policies, which regulate and control migration. Public discourse and institutions mutually influence each other in the process of defining and redefining the boundaries of belonging for migrant.

For example, many categories of migrants find themselves to be 'irregular' or 'illegal' in their countries of arrival, as most countries welcome only those whose skills they believe to benefit their economies. Migrants from Africa become 'refugees' or 'asylum seekers' when they reach the shores of Mediterranean Europe. Residents from China's Western Provinces become *nóngmíngōng* (rural migrant workers) or are labelled as *dǎgōngzǎi/mèi* (young male/female household member on the job) when settling in the cities of the East. Other countries grant special rights to immigrants based on perceived bloodlines (however faint they may run, like ethnic Germans from the former USSR or the Argentine descendants of Italian immigrants) or their colonial heritage (like the Harkis in France or the Gurkha soldiers in Britain).

The purpose of this volume is to analyse the dynamics of (re)constructing categories and the role that trajectories, institutions and social actors play in creating and changing the boundaries of such belongings that define current migration realities in Europe and in China. By comparing experiences of current migration realities from Europe (France, Germany, Netherlands and the United Kingdom) and China, we want to illustrate how strategies of boundary making are commonly employed against varying historical backgrounds and in the context of different political and social-institutional settings. During the last two decades social, ethnic and national belonging has become more and more fluid, as it is increasingly perceived as not fixed and substantial but contested, negotiated and constructed. Against the traditional view on ethnic, national or socio-cultural groups as fixed and given entities on one extreme, there has developed a growing body of literature tending towards the other extreme of conceptualising belonging in a highly constructivist and relational manner (Yuval-Davis 2011). The chapters of this volume try to slip between the Scylla of substantialist 'groupism' (Brubaker 2004) and the Charybdis of constructivism without any preconditions by focussing on the historical development as well as on the institutional and actor-dependent embeddedness of categories and mechanisms of belonging. We appreciate the editorial assistance of Andrea Dasek and Xymena Wiezcorek.

The boundaries of belonging that will be analysed in the following chapters are mainly those defining and delimiting access to citizenship rights. These boundaries manifest themselves most visibly in national institutions, or the migration, citizenship and labour-market policies and their enforcing agencies. However, the categories of belonging ascribed to migrants by such institutions gain social meaning only in so far as they are reflected, debated and contested in public discourse. Through the question of 'who are we and who are the others' that underlies public debates on citizenship and migrant rights, answers are given on who may come, who may stay and under what conditions. The institutions regulating and categorising migration and the shaping of public discourse do not happen out of thin air. Historical antecedents take effect and are institutionalised in norms, categories and mechanisms that structure the perceptions and strategies of collective actors involved in this process. They employ a range of strategies to legitimise and realise their interests in making and shaping the institutions and discourse that in turn set the boundaries of belonging when defining migration.

This introductory chapter will proceed by drawing on some recent examples of how new migration dynamics in Europe and China and the creation of new boundaries of belonging are connected. It will then proceed to outline some theoretical considerations, putting in relation institutions, public discourse and actors, as they shape the boundaries and categories of belonging related to the new migration dynamics in Europe and in China. Finally a short introduction to the contributions in this volume will be in order.

1.1 Boundary making and the politics of belonging in the EU and China

From the end of the World War II until the 1980s, migration to Europe had, arguably, been a rather manageable and straightforward affair. European countries had received a limited amount of refugees and asylum seekers mostly of Eastern European origin. Larger scale immigration was predominantly the result of planned guest-worker programmes to alleviate labour shortages in the booming post-war industries. However, with the oil crises of the 1970s, the planned recruitment of migrant labour was stopped. The economic restructuring that followed these crises, today commonly referred to as globalisation, soon led to the emergence of new forms of migration that also affected European countries (Castles 2009). As a result of these developments and political

integration since the mid-1980s, asylum and immigration policies have become a prominent policy area in the European Union (Huysmans 2006: 109). The following examples are supposed to illustrate how new boundaries of belonging were created in Europe in dealing with these new forms of migration.

1.1.1 What is a refugee? The Kosovo crisis and temporary protection regimes

In the wake of NATO's intervention in the Kosovo crisis in 1999, refugees from Kosovo were admitted to Germany, to many other European states and to the USA, under provisions for the temporary protection of refugees. The concept of temporary protection was designed as an alternative mode of refugee accommodation to the 1951 UN Convention Relating to the Status of Refugees (Fitzpatrick 2000). It emerged as a political compromise from 1993, when over 500,000 Bosnians fled the civil war in their home country, and was in part promoted by the UNHCR as an alternative to traditional asylum procedures for fear that states might otherwise refuse to accept such large numbers of refugees. Within the EU the adoption of the temporary protection concept was also seen as a chance for a harmonisation of EU asylum policies and as a mode of 'burden sharing' between member states (Koser and Black 1999).

The status of a refugee under temporary protection provisions diverges significantly from that granted under the 1951 United Nations Convention. Traditionally, Western countries had adopted the Convention by granting asylum rights and permanent residence on an individual basis to persons recognised as refugees. Admittance and recognition as an asylum seeker usually put a refugee on the fast track towards permanent residence or even citizenship. Under the 1951 Convention, a refugee was a person, who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion' (UNHCR 1951/1967) had fled from his or her country.

Contrary to the provisions of the Convention, under temporary protection regimes, refuge is granted not on an individual basis but to refugee populations *en masse* that are assumed to be under general threat from crisis situations, such as civil war. Such general situational threats do not necessarily entitle one to asylum under the 1951 Convention as they may not necessarily present a threat to an individual applying for asylum. However, admittance under temporary protection regimes, removes an individual's right to apply for asylum

or permanent residence in the host country. His or her temporary status will be revoked and the refugee expected to repatriate voluntarily when the situation in the corresponding country of origin is generally deemed to be 'safe', without an individual assessment of the situation needing to be made.

The application of temporary protection to Kosovar Albanian refugees in European countries like Germany can be seen as the outcome of a wider trend in the interpretation and application of refugee conventions and asylum laws in Western countries. As Koser and Black (1999) tell us, European states' policies towards refugees have changed as the composition of refugee populations has changed over time. Until the 1970s, most refugees received in Western European states were of Eastern European origin, often fleeing Communist regimes. The first larger influx of non-European refugees came from Vietnam and took place largely controlled and regulated by quotas between receiving countries. Because of an ideological affinity to refugees from Communist countries in the West and a lack of labour power in some countries, most refugees at that time were received rather openly.

The situation changed in the 1980s as more people from outside Europe started individually and 'spontaneously' to claim asylum at European borders, which met with public and political concern. The movement of these people was seen to be irregular and outside the capacity of the state to control. It was feared that the increasing number of individuals applying for asylum were at the forefront of a much larger 'wave' of refugees from the global South. In this context, the notion was coined that most of these asylum seekers were actually economic migrants who were trying to exploit the asylum regime for their personal benefit. The asylum policies of European states increasingly turned to curbing the number of applicants by tightening the conditions and procedures under which refugees could be admitted (Koser and Black 1999).

In Germany, for example, the legal status of a refugee under temporary protection was defined in §32a, which was added to the *Ausländergesetz* (foreigner law, today §24 *Aufenthaltsgesetz* (residence law)) in 1993 after the constitutional right to asylum had been sharply restricted by a reform in 1992. Section 32a was part of the so-called *Asylkompromiss* (compromise on asylum) between the government and the opposition and referred specifically to war and civil war refugees and granted rights to groups of refugees according to the concept of temporary protection. About 15,000 refugees from the Kosovo were admitted to Germany under §32a (Koser 2000).

Preceding the *Asylkompromiss* was the politicisation of refugee politics from the mid-1980s by the centre-right coalition under Helmut Kohl. ‘The Christian parties introduced key terms into political debate, such as “over-foreignisation”, “flood of asylum seekers”, “limits of endurance” and “the boat is full”. Former interior minister of Bavaria, Edmund Stoiber (CSU) even spoke of “racialised society” (*durchrasste Gesellschaft*)’ (Faist 1994: 61). The public debate about asylum was thus cast in terms of cultural and ethnic belonging and legitimised the introduction of asylum policies that allowed for a quick repatriation of refugees.

The use of temporary protection regimes as the rule rather than the exception for the accommodation of refugees since the 1990s in many states of the European Union must be understood as an extension of that development. On the one hand, the temporary protection regimes do offer improved protection to large refugee populations as individual eligibility for refugee status according to the 1951 Convention need not to be proven under such a regime. On the other hand, the admission of groups of refugees from crisis areas and thereby the softening the requirements for refugee status of the 1951 convention, can be interpreted as a greater willingness on the side of Western states to grant, on humanitarian grounds, protection to those affected by civil war.

The introduction of temporary protection regimes significantly reduces the opportunity of refugees to apply for asylum on an individual basis and gain a more permanent status. While some commentators and researchers fear that with the introduction and increased use of temporary protection regimes, the determination of refugee status is more and more left to the discretion of individual states. ‘Temporary protection, with its overwhelming focus on repatriation, presents itself as an attractive option to prioritize migration control objectives while maintaining a credible commitment to humanitarianism’ (Fitzpatrick 2000: 291).

Therefore, while under temporary protection regimes the admission of refugees to host countries may follow less strict criteria than those given in the 1951 Convention on Refugees, it is those same criteria that entitle individuals to rights they could in principle claim for themselves under international law *vis-à-vis* states that had ratified the Convention. To admit whole groups of refugees under a temporary protection regime means at the same time to deprive them of that individual right. With the predominance of temporary protection regimes over asylum rights, the power to define who and under what conditions will be admitted as a

refugee more and more rested within the discretion of political decisions of states. This may have decisive consequences for our understanding of who and what a refugee is, as the granting of refugee status becomes more of a 'humanitarian' gesture than an act required by legal obligations. Thus understood the status of refugee is degraded from being an individual that is bestowed with certain rights to being a petitioner of sorts. In Germany and in EU member states in general, the concept of temporary protection lost its significance with the growing weight of the Schengen Agreement (1985) and the Dublin II Regulation (EC 343/2003) by which immigration and asylum issues were increasingly regulated at the European level. This further complicated the entanglement of national, supranational and international mechanisms that define categories of belonging for refugees and asylum seekers.¹ The significance of the European level for defining categories and mechanisms of migration and belonging becomes very clear when looking at the Mediterranean border of the EU.

1.1.2 'Millions of Blacks' invading the EU from the Mediterranean?

Irregular migration from African countries via the Mediterranean to the Southern countries of the European Union, that is, Spain, Italy and Greece, has become a major field of common EU policies and also an important topic in European political discourse. The topic was again strongly politicised as revolts and revolutions spread through many North African countries in 2011. On the eve of the revolution in Libya, Colonel Gaddafi tried to exploit the West's fear of uncontrolled immigration and threatened that 'millions of blacks' would cross the Mediterranean to France and Italy, if his regime were to fall (Reuters March 7, 2011).

The purpose of this section is to illustrate how migrants' belonging has been framed between two parallel and with regard to content frequently contradictory strings of reasoning that legitimise European migration policy for what it defines as irregular migration. These two strings are, on the one hand, the criminalisation and securitisation of irregular migration and, on the other hand, the victimisation of migrants and 'humanitarianisation' of their situation (cf. Walters 2010; Clandestino Project 2009; De Haas 2008).

Since the 1990s, European states started to implement more restrictive policies on irregular migration, mainly as a response to public fears of mass immigration after the cold war, which also had its effects on other fields of migration policies (cf. above). At the level of the

European Union, the perception of an increased ‘threat’ from irregular migration has, since 1999, resulted in the implementation of a number of common policies with an attempt to curb the number of irregular migrants. Such policies include internal measures, such as employer sanctions, but mainly external measures such as stricter border management, the creation of a common EU border agency (FRONTEX), readmission agreements with EU third-countries and cooperation agreements with third-countries on migration and border control (Clandestino Project 2009).

The political and public discourse on the criminalisation and securitisation of irregular immigration that has unfolded in European countries since the 1990s has, at least in part, served to legitimise the introduction of harsher border regimes and the externalisation of migration ‘problems’ to third-countries. Regarding the political measures on the securitisation and criminalisation of irregular migration to Europe, research has revealed how migrants have become subject to ‘exceptional and quasi-authoritarian forms of treatment’ (Walters 2010: 73). The effectiveness of these policies in achieving their aims is doubtful and instead drives more and more migrants to attempt perilous and sometimes fatal forms of border crossing.

The fear of large numbers of irregular migrants coming to Europe is often exploited in numbers games, where stakeholders in the migration discourse ‘use and interpret figures depending on their own strategic interests’ (Clandestino Project 2009: 18). Numbers on irregular migration are, by their very nature only available as estimates and are notoriously unreliable. This does not hinder politicians and other stakeholders from presenting such guesstimates as facts to justify the implementation of stricter migration policies. One recent example is when Italy’s former foreign minister Franco Frattini, with a view to the political developments in North Africa warned of unprecedented numbers of immigrants seeking refuge in Europe. ‘Those who spoke of hundreds of thousands’ of people crossing into Europe “are not exaggerating,” Mr. Frattini said’ (*New York Times*, February 21, 2011).

Such number games serve to back up the illustration of large-scale irregular migration as a security threat to the states of the European Union. On the one hand, migrants themselves are portrayed as a threat to social welfare systems and employment security, and on the other hand, as a threat to cultural identity and to national security itself. Furthermore, a migrant’s irregular entry is portrayed as a purposeful transgression of the law to gain a personal advantage on the side of the migrant: ‘[...] it is the illegal immigrant as rational, decision-making

actor that animates and legitimates the policy response' (Walters 2010: 86). On the other hand, the practice of 'irregular' migration is criminalised in terms of 'human smuggling' or 'trafficking' (Clandestino Project 2009).

It is this latter component that not only adds to the portrayal of irregular migration as a threat but also to the portrayal of irregular migrants as victims of their own perilous endeavour. The aim of EU migration policy to curb irregular migration is thus also legitimised as a humanitarian endeavour. 'Here the identity of the illegal immigrant approximates that of the victim, a subject who will legitimate the construction of anti-illegal immigration activity as a quasi-humanitarian exercise in protection, and indeed, a morally righteous act of 'combat' against forces of violence and injustice' (Walters 2010: 86).

Cooperation with EU third-countries has been in part justified in the context of this 'humanitarian' task of EU migration policy. The externalisation of EU migration policies to these countries through the introduction of stricter migration policies in North African states and the strengthening of their own boarder regimes can in this context be portrayed as an attempt to prevent migrants from taking life-threatening journeys on packed and flimsy boats or to give themselves up into the hands of ruthless human traffickers.

This strategy to 'combat' irregular migration has in the past also legitimised EU cooperation with the authoritarian and dictatorial regimes of North Africa. Tunisia and Libya have especially played an important role in this regard. Just months before the regimes began to topple, the EU finalised a cooperation agreement with Libya's Muammar Gaddafi to curb or pre-empt migration from the African continent through Libya to Europe. 'Under the non-binding agreement, Libya is set to receive money and assistance from EU experts in adopting new legislation on refugee protection and to upgrade its border surveillance systems' (EUobserver, October 5, 2010). Like Gaddafi, other North African regimes were portrayed as 'reliable partners' in European attempts to prevent unwanted migrants from even reaching its southern shores.

This short outline has illustrated how political and public discourse in the European Union has served to frame a paradoxical image of African migration through the Mediterranean in ways that legitimise stricter migration policies and border regimes, as well as political cooperation with authoritarian and dictatorial regimes in the region on 'humanitarian' grounds. The boundaries of belonging attributed to

irregular migration through discourse and the practice of EU migration policy are drawn in a way to allow the association of the term 'irregular migrant' with the images of 'criminal' and 'victim' at the same time. By increasingly being taken for granted, such categories and concepts of migrants are institutionalised in public discourse and decision making. Such mechanisms that institutionalise (re)production of categories of belonging in the context of migration can be detected not only in Germany and Europe but also in China.

1.2 Administrative separation and social discrimination in China's *hukou* system

Migration within China has been regulated by the *hukou* or household registration system, which in its current form has been in place since 1958 (cf. Zhang Jijiao in this volume). During the Mao period, the *hukou* system served to separate the rural from the urban populations. Industry and workers were at that time the beneficiaries of an economic-development plan that transferred agricultural-surplus production into urban-industrial development, while the *hukou* system prevented an exodus of the rural population into the comparatively prosperous cities. Since the reform and opening policy was inaugurated under Deng Xiaoping in the 1980s, rural migrant workers were increasingly allowed to sell their labour in China's booming cities. While in 1982 the number of workers with a rural *hukou* in China's cities was just around 6.6 million, by 2009 that number had skyrocketed to 211 million. In this situation, the *hukou* system's function changed from preventing rural to urban migration to creating an underprivileged workforce that is not entitled to permanent urban residency, social security or public services.

As Fei-Ling Wang asserts, the *hukou* system has played an important role in China's economic growth since the 1980s and has also significantly contributed to upholding social stability in a large nation undergoing rapid development by relieving China's cities of migration pressures. However, the administrative-institutional separation of rural and urban populations has also created a two-tiered system of citizenship, raising questions about the *hukou* system's role in the politics of belonging in China: '[...] institutional exclusion produces troubling questions about the equity and equality of the human and civil rights of citizens of the same nation. A slow urbanisation naturally segregates the citizens and creates cultural biases against the excluded rural population' (Wang 2005: 133).

The arbitrary administrative categories of rural and urban *hukou* have, over time, accumulated additional social meanings that seek to account for the separation or diverging rights situation of rural and urban populations. 'With the implementation of the hukou system and its deep impacts on everyday life, people took it for granted that urban people were born with privileges and were treated as first-class citizens in China, whereas rural people inherited the responsibility of serving the urban people and were to be treated as a backward, short-sighted second class' (Huang et al. 2010: 174). This attitude is reflected in the fact, that rural–urban migrants take the 3D-jobs (dirty, dangerous and demeaning) that are shunned by the 'natively' urban populations. In this way, rural–urban migrants in China are in many ways framed in similar categories of belonging and serve similar economic needs, as do immigrants in Western countries (cf. Huang et al. 2010; Chan 2009). Against this background, even though their migration into the cities is in itself an act that shatters subjective identities (former or destined farmers now become industrial or construction workers), many rural–urban migrants do not manage to integrate into urban communities and suffer 'isolated', 'broken' or 'dissociated' identities (cf. Zhang Xiaomin in this volume).

Also comparable to experiences from Europe, the discrimination that migrant workers suffer regarding status and identity are produced and reproduced through the daily actions of agents of the state, for example, the police. Han Dong describes how the policing of migrant populations relies on stereotyped physical features ascribed to rural–urban migrants, 'thus creating a situation in Chinese cities in which having particular visible features can subject one to a whole set of discriminatory legal restraints and policing treatments' (Han 2010: 595). The accompanying stigma are reproduced as boundaries separating the 'native' urban population from the rural 'immigrants'.

The discriminatory rules and practices of the *hukou* system have also become the target of criticism in China's (politically limited) public discourse. For example, Han (2010: 597) finds that some discussions on web forums and in blogs criticise the discrimination that rural–urban migrants suffer as 'racist'. Some go even so far as to argue that the *hukou* system has created distinct ethnic groups in China. The academic community in China, too, has, for decades, analysed and criticised the exclusionary and discriminatory functions and effects of the *hukou* system: '[...] hundreds of articles have been published on hukou, including calls for the need to abolish the hukou system [...]' (Chan 2009: 205). The Chinese state, however, is slow to react to these

criticisms and has yet to draw up a concise plan for reform of the system (Zhang Jijiao in this volume).

From this short description it should already have become apparent that the *hukou* system has similar effects with regard to the economic and social discrimination of migrants as compared to migration regimes in European societies. Far from only regulating residency rights, the *hukou* system has drawn distinct boundaries of belonging between 'rural' and 'urban' populations that have a perpetuating discriminatory effect.

1.3 A theoretical perspective on migration and belonging

Comparing migration dynamics and the corresponding mechanisms of (re)producing categories of belonging in Europe and the People's Republic of China is a challenging task for several reasons. The EU member states and China have very different political systems and social orders. Even more important is that EU policy and discourse focus on international migration, while China is overwhelmingly affected by internal migration dynamics. As King and Skeldon attest, a fundamental distinction traditionally made in migration studies is that between internal and international migration (2010: 1620). Taking the EU and China, but also considering other examples like the Maghreb region or Southern America and being aware of transnational migration dynamics (Basch et al. 1994; Pries 2005 and 2009), the distinction between internal and international migration should be revisited. To view migration from the angle of categories and mechanisms of belonging may present an approach in addition to those presented by King and Skeldon (2010) to bridge this divide.

1.3.1 The state, belonging and differentiated access to rights

In the nation-state access to citizenship is regulated on the basis of different notions of what constitutes national belonging. These different notions have led to the establishment of different regimes regulating access to citizenship for non-citizens, i.e. immigrants. Bauböck (1998: 33), for example, differentiates three models of citizenship: the National model based on ideas of cultural community; the Republican model based on ideas of belonging to a political community; and the societal model, where membership is in principal identical to the resident population. Koopmans and Statham (2000: 20f.) differentiate between four ideal types of citizenship regimes, *ethnic assimilationism*,

ethnic segregationism, *civic republicanism* and *civic pluralism*, located on a matrix of formal (legal) requirements for citizenship and cultural obligations tied to citizenship.

However, other authors attest that in the post-war era, the national foundation of citizenship has been at least partially contested and that citizenship rights are at least partially recast on the foundation of human rights gaining legitimacy not from the nation, but increasingly from universal, transnational ideas (Soysal 1997: 512; Sassen 2002: 277f.; Kivisto and Faist 2007: 122f.; Tambakaki 2009). From this perspective, while in the past access to political, social and economic rights was linked to citizenship as a form of national belonging, nowadays access to these rights has in many countries proliferated to non-citizens, sometimes stopping only short of full access to political rights. Although one might not agree with this concept of 'post-national rights' one can accept that in the twenty-first century the mechanisms for structuring belonging and migrants' rights, and especially their labour-market rights, are differentiated and rearranged at different *spatial levels*: there is the local level of 'de facto' rights even of undocumented migrants; there is the still strong national level; in some regions (like Europe) there is an increasingly important supranational level, and there is a global level of claims making based on concepts like human rights (Goldring 2001; Kivisto and Faist 2007; Schierup et al. 2006; Pries 2012). The European Union is an especially good example of how citizenship concepts defined at the nation-state level get increasingly intertwined with diversity, labour market and other rights at the EU level.

Besides the differentiation of these levels of belonging and access to rights there is also a differentiation of their *layers*. The relation between the different layers of belonging does not follow the logic of a 'zero-sum-game': senses of belonging and access to rights could increase or decrease at different levels at the same time. For example, those people ascribed (and/or self-ascribing) to the Roma group in Europe are suffering discrimination and a lack of rights at the local, national, and European level; whilst those people ascribed (and/or self-ascribing) as highly qualified IT-workers experience a positive discrimination at various levels. The group of highly qualified IT-workers is a good example also for how new groups of belonging are created in public discourse by political agents and social interest groups.

With the diminishing utility of the legal category of citizenship as a sharp boundary marker, other forms of belonging may play an increasingly important, complementary role to citizenship in regulating access to rights traditionally associated with citizenship, as will be explained

briefly in the following discussion of the state's role in drawing boundaries of belonging.

In a traditional liberal, and to a certain extent idealistic, understanding of the role of the state, it is assumed that governments would/should take a neutral position towards cultural differences within society. In this model, states, by guaranteeing individual liberty and freedom of association, provide the framework for cultural diversity without intervening into what unfolds within. Qualifying this description, Bauböck notes '(1) that modern states are by their very nature not culturally neutral but organize the reproduction of dominant national cultures and (2) that cultural communities can be internally oppressive towards their members in a way which constrains abilities of individuals to fully enjoy the freedom and opportunities of democratic participation offered by liberal citizenship. These insights provide a justification for special rights of cultural minorities and simultaneously imply that in a liberal conception cultural group rights will have to be constrained by the requirement to secure basic individual rights of citizenship' (Bauböck 1998: 37). Thus, in this view, the role of the state is not limited to being a neutral guardian of or an arbitrator in the relationship of nation, cultural group and individual citizen.

Going further, one could also imply that the state's involvement in affairs of cultural belonging has become a utility in its own right. As such, the state can use its ability to shape cultural belonging to regulate and structure access to rights, for example, as a substitute to citizenship where it has become too much of a blurred category to serve that function: 'When citizenship fails to distinguish between migrant and non-migrant workers, then other mechanisms of distinction, including various forms of cultural and social capital, assume more prominent roles [so that] legal, social, and cultural processes of distinguishing and controlling international migrants regulate labour markets' (Bauder 2006: 199).

As can be seen from this short outline, the boundaries of belonging set by public regimes are by no means fixed or unalterable. Also, they need not be universal, that is, equally applicable to all, but can be particular, that is, applicable in certain ways to certain groups. Territorial boundaries restrict and allow access on the basis of, for example, origin or education, which can effectively translate into exclusion based on, for example, ethnicity and class. Citizenship has transformed its significance for belonging by bestowing some rights associated with it onto non-citizens. In this way it has, on the one hand, become a more inclusionary concept. On the other hand, however, the extension

of citizenship rights has made it obvious that citizenship is neither a natural nor an essential category, but that it is embedded in a complex set of other layers of belonging. Citizenship is no longer a category of belonging clearly distinguishing citizen from non-citizen but has become a multi-tiered system, as, for example, in the European Union, where national citizenships, EU citizenship and citizenship rights for non-EU residents bestow various degrees of access to citizenship-related rights; or as in China, where the *hukou* system restricts access to citizenship rights along the status of urban or rural residency. If this is the case then other layers of belonging can gain an increasing role in the public regime in establishing new boundaries of (positive and negative) discrimination. In combination, public institutions and public discourse form migration regimes, which encompass policies, laws, social norms and discursive 'anchor points' of legitimacy; they are the outcome of social conflicts and movements of interests and values in the sense of 'negotiated orders' and 'contested terrains' (Strauss 1978).

1.3.2 Social agency and belonging

To come to an understanding that goes beyond the role of the state of the *socially constructed* nature and mutability of belonging, it is necessary to look into how and why actors create and shape their boundaries without neglecting the role of institutions and public discourse outlined above (cf. Bloemraad et al. 2008; Brubaker 2009). The boundaries of belonging associated with various forms of migration can be challenged and, if successful, altered by political and social action commonly referred to as 'claims making'. An instance of claims making (a claim) is 'a unit of strategic action in the public sphere, that consists of *the purposive and public articulation of political demands, calls to action, proposals, criticisms, or physical attacks, which actually or potentially affect the interests or integrity of the claimants and/or other collective actors*' (Koopmans et al. 2005: 24; emphasis in original).

According to Tilly (2004), claims making is usually carried out by group actors, whose members have common perceptions of their strategic situation: 'In practice, finally, constituent units of claim making actors often consist not of living, breathing whole individuals but of groups, organisations, bundles of social relations, and social sites, such as occupations and neighbourhoods. Actors consist of networks deploying partially shared histories, cultures, and collective connections with other actors' (Tilly 2004: 132). In any case, the boundaries of belonging created by the state structure (delimit and facilitate) the basis on which groups can organise for claims making. As Tilly (2004)

states, '...all polities leave room for some claim-making on the basis of shared identity, and all polities build some identities explicitly into public political life; demands in the name of a religious minority illustrate the first phenomenon, installation of legal distinctions between citizens and aliens the second' (Tilly 2004: 134).

Following from this, claims making on the basis of a shared socio-cultural identity, like religion or ethnicity, might be more readily accepted or even facilitated in and by public regimes – but even if this were not the case, i.e. where a group's claims making is not welcomed by corresponding dominant groups, that does not mean that it will be easy to control or marginalise processes of claims making. Claims based on shared socio-cultural identity can more readily be legitimised through universal norms and international laws of human rights pertaining to equal treatment or non-discrimination. Whilst claims making based on legal distinctions, like citizenship, may be more easily declined by states, as these categories of belonging rest on the foundations of the polity itself, i.e. who is part of the *demos* and who is not.

Koopmans et al. (2005) believe that cultural characteristics or the national background of migrants only have limited explanatory power for the topics that migrants engage in claims making with and the specific forms of mobilisation and action chosen. Shared cultural identity may serve as the basis of group organisation, though it alone does not explain how these groups then engage in claims making or which topics they will address. Rather, it seems to be, on the one hand, the political-institutional context, i.e. the degree of openness of the polity and the ways in which it can be accessed, which shapes the patterns of migrant mobilisation, whilst on the other hand, the mobilisation patterns are equally shaped by public discourse on models of citizenship and notions of national identity, i.e. the ways in which the public ascribes identities to migrants, and how this relates to the publicly established notions of citizenship, national belonging, etc. (Koopmans et al. 2005: 19). The 'institutional as well as discursive opportunity structures have both general and issue-specific dimensions that need to be considered' (Koopmans et al. 2005: 20), for example, the general openness of a polity may not apply to the particular ways in which migrants are allowed access to the polity. Lastly, the dynamics of migrants' claims making will be influenced by the reactions to it.

Migrants' claims making and its organisation appears to be most likely to happen on the basis of appealing to shared socio-cultural identity, for two reasons. First, shared socio-cultural identity seems to be the most readily available basis on which individuals discover common

perceptions of problems and common strategies to address them. Second, claiming for rights, which are connected to socio-cultural identities (i.e. religious or ethnic identities) seems to enjoy a comparatively high degree of legitimacy, if the norms and rights that the claimant appeals to (i.e. human rights) transcend those of citizenship in the nation-state.

While shared socio-cultural identity or interests may serve as the basis for migrants' organisation, this alone does not explain how and why specific forms and topics of claims making emerge and strengthen (or disappear). Rather, these questions appear to be framed by the political-institutional environment in which claims making takes place, as well as the dominant public discourse. For example, while migrants' claims making on the basis of racial categories seems to be rather successful in Britain, this is not the case in Germany, where race as a category of identity is not used and is a taboo in public discourse (for migrants' organisations, see Pries and Sezgin 2012).

Having sketched out the relationship of boundaries of belonging and migrants' claims making in certain contested terrains, the question to be answered remains how claims making may alter boundaries of belonging. One way to answer this question may be to look into the processes of identity ascription and self-ascription that happen when migrants engage in claims making, and how they are altered by claims making. As described above, when migrants organise for claims making, this is influenced by self-ascription by migrants and ascription through the boundaries of belonging created by and in public migration regimes, which create a shared identity and problem perception.

Here already, one may be able to identify one strategy in which migrants' claims making may change boundaries of belonging, namely the boundaries set by self-ascription. As the structural conditions under which actors can engage in claims making (political institutions and public discourse) set the framework for what makes a legitimate and possibly successful claim and what does not, this may lead migrants to take on new collective identities for the sake of claims making, thereby creating new/altered boundaries of belonging for themselves.

Andreas Wimmer (2008) has formulated an exhaustive taxonomy of elementary strategies of boundary making. While Wimmer was referring primarily to ethnic boundaries, his strategies are general enough to be applied to other modes of social belonging. Wimmer distinguishes two groups of strategies: first, the strategies of expansion and contraction of boundaries of belonging, so that categories of group membership are created or dissolved or become more inclusive or more exclusive.

Strategies of expansion and contraction of boundaries of belonging seek to change the basic topography, that is the relative location of social boundaries to each other.

The second group created by Wimmer contains the strategies of transvaluation, positional moves and blurring. These strategies do not seek to alter the external relation of boundaries to each other but rather to modify their meaning. The strategy of transvaluation seeks to reorder or dissolve the hierarchy between groups by changing normative attributions. Positional moves describe the strategy of relocating individuals or groups across boundaries. Finally the strategy of blurring seeks to reduce the importance of certain social boundaries as principles of social organisation (for a similar distinction of substantial and relational concepts of social spaces see Pries 2005 and 2009).

1.4 Chapters of this book

Focussing on the topics of the shifting boundaries of citizenship rights, the following chapters will bring together experiences from four important European immigration countries and from China. Chapter 2 begins with the long history of migration to France and the basic categories, concepts and mechanisms of the French-migration regime. Anchored mainly in an *ius soli*-principle but also integrating ideas of *ius sanguinis*, this migration regime is strongly influenced by colonial history and by the Republican values of equality, non-discrimination and religion as a private issue. By policymakers and actors in public discourse the social categories of slaves and free workers, of colonial and foreign labour force, of foreigners and nationals, of European and non-European migrants, of legal and irregular workers were produced and found their institutionalisation in corresponding legal terms and framings. Employers intervened as main actors mainly during periods of labour shortages, and new distinctions like those between settling immigrants and transitory labour migrants were an outcome of this boundary shifting. Since the 1980s, civil society and human-rights groups became increasingly active and effective so that the borders of concepts like nationality, legal and 'illegal' migrants as well as visible discrimination shifted. During the last two decades a process of ethnicising social differences, renationalisation of French identity and strengthening distinctions of Muslims and Non-Muslims could be observed in public discourse. To a certain extent, traditional boundaries between migration for work, for settlement and for asylum were blurred, but at the same time new lines of distinction, discrimination, essentialism and stereotypes appeared.

In France the republican ideal of citizenship is increasingly coming under pressure from attempts to culturally define what it is to be 'French'. This is followed up in public discourse on nationality and citizenship, in which the idea of belonging to a republican community of shared values is partially being abandoned for questions on who or what is 'French' and who or what is 'foreign'. Consequently, symbols of cultural and religious belonging not deemed to be French are increasingly coming under attack by the secular state, as seen in recent attempts to ban the public wearing of the head scarf illustrate. Meanwhile, social actors emerge that may have the potential to challenge the dominant discourse and politics on migration in France. Catherine Wihtol de Wenden, Monika Salzbrunn and Serge Weber trace recent developments towards culturalisation of immigration and integration policies in France and examine how migrant groups are situated between ethnic and religious groupism and social movements with universalist appeal to position themselves for their claims making.

Germany has since World War II been a country of immigration, but public and politics have until recently been reluctant to accept that very fact. In this context, Ludger Pries explores the changing of official categories for migrants and the corresponding self-perceptions of society. The chapter analyses how the changing boundaries of belonging and migration in Germany have resulted from the input of repeated debates on the question of migration and citizenship. As one of many paradoxes of these debates, recent attempts by the state to come to a better understanding of Germany as an immigration society, may without intending to have led to the creation of new ambiguous categories of belonging.

Although the German state began two world wars in the name of nationalism and national interests, there has never been a clear indication or civil agreement to the question 'who belongs to this nation in whose name people should fight and die?'. Although there exists a strong principle of *ius sanguinis* at first sight, on closer examination there has also always existed a pragmatic 'muddling through' concerning economic, social, cultural and political membership and rights. Despite the fact that from a comparative perspective the German pattern of migrants' membership could be characterised as rather conservative or restrictive, until the first decade of the twenty-first century there was no strong anti-migrants aggressive party. However, the recent detection of systematic murders of Muslims by a group of militant Neo-Nazis indicates that there is still potential for racism and anti-Semitism.

The Netherlands, like many European countries, are currently witnessing a public debate on migration increasingly inimical towards

migrants who fall into the 'unwanted' category. Jeroen Doomernik traces this development to the perceived impotence of legal measures and policy instruments in restricting and regulating immigration ever more strictly. To redress this failure politicians instead seek to draw a sharper line between the boundaries of belonging, for the wanted and unwanted, by creating a public discourse of exclusion.

The Netherlands are renowned as a country traditionally accommodating ethnic or denominational differences in a model of multiculturalism. Public policy and politics were characterised by a strong desire towards inclusion. Although the country pursued a restrictive immigration policy from the mid-1970s onwards, there was also due consideration for humanitarian principles (e.g. regarding family reunification, asylum seekers and refugees). This welcoming position was characterised by downplaying some boundaries of belonging and explicitly accepting others. During the last two decades this migration regime gradually shifted towards creating new boundaries of belonging, mainly alongside the lines of *autochtoons* (associating this term with being modern, liberal, secular and world-open) and *allochtoons* (associating this term with being Muslim, of low education, often not wanted immigrants). The term *allochtoon* once was introduced as a neutral marker and tool for policy evaluation (mainly for detecting discrimination and unequal opportunities). Meanwhile it seems an irony of history that the very same term now serves to marginalise some social groups by differentiating additionally between wanted and unwanted *allochtoons*.

For the United Kingdom, Anne Green and Ronald Skeldon trace the development of past and present census categories against the background of a changing British immigration policy, with a particular focus on the period from 2005, characterised by an official attitude of 'Making migration work for Britain', with an accompanying rhetoric of 'Britain needs immigrants' albeit 'only those immigrants that Britain needs'. In the 2011 census, questions on ethnicity, negotiated through consultation with representatives of the targeted groups themselves, were much more detailed than in the past and, for the first time, included questions on national identity, passports held and competence in spoken English. Hence, the population will be categorised in new ways by the state. The analysis traces the rationale for these new categorisations and their implications for 'who belongs'.

The chapter documents how migrants and ethnic groups have been classified in the principal data-gathering instruments, and notably the population census, in the UK. While the definitions have been

introduced by the state, the process of adoption and construction of the categories has evolved in consultation with stakeholders and data users. The boundaries of categories have been negotiated. However, of importance has been the changing context of migration, ethnicity and political change within the UK. Decentralisation and political weighting up of Scottish and Welsh constituent nations have created new demands and new identities. At the same time the volume and composition of migration to the United Kingdom has also changed. The virtually 'open borders' policy of the immediate post-World War II period laid the basis for a more racially diverse Britain. As these migrant communities aged and reproduced, new identities emerged in the second and third generations. Yet, contrary to categorisations used in many other countries in Europe such as Germany, there have been no questions in the UK census enabling individuals from second and third generations to record their parents' country of birth and so be categorised by 'migration background'.

For the People's Republic of China, Zhang Jijiao and Zhang Xiaomin analyse the impact of the *hukou* system on questions of migration, citizenship and belonging towards and among rural–urban workers. In his chapter, Zhang Jijiao describes how China's household registration system divides the population into rural households and non-rural households, and which individual interests and rights, such as education, healthcare, housing and employment, are attached to it. Under this system, rural citizens have no access to social welfare in cities, even though they may live and work there. Today, China's rural to urban migrants are counted at well over 200 million, so it can be said that China is experiencing the largest internal migration in human history. Against this background, the time for fundamental reform of the *hukou* system seems to have arrived. China's government is expected gradually to change the current system to a unified household registration system, which would eliminate the rural and non-rural division. While first steps to reform the *hukou* system were undertaken in 1992, to this day this process has not reached a satisfactory conclusion, largely because of the web of dependent policies attached to it.

Zhang Xiaomin, in her chapter, examines the so-called New Generation of migrant workers in China. Today, of the more than 220 million migrant workers in China, the so-called New Generation migrants make up more than 50 per cent. They are better educated, often without a farming background (albeit with rural *hukou*), have higher expectations of urban life, and are mostly unmarried and pose new challenges to China's urbanisation drive. These new generation

migrant workers claim their rights to belong to the urban China of today more vigorously than the old generation has and thereby broaden and deepen migrant workers' claims to rights. The rural-urban migrants who work as non-farmers in the urban areas traditionally are categorised as 'peasant workers'. This concept of 'peasant worker' is actually an institutional arrangement, an outcome of the 'politics of belonging', which is directly related to the *hukou* (registration) system and the corresponding regulations originating in the planned-economy era. 'Peasant workers' are not granted the exact same status as city residents, although for over 30 years, they have contributed a lot to the economic dynamism of industry and urban agglomerations. They earn less than regular 'urban workers' (i.e. with an urban *hukou*), and are denied equal access to education, medical care, housing, employment and other public services in cities. Based on this, they develop ambiguous orientations concerning their urban life and their working career.

The so-called New Generation of Migrant Workers differ from the traditional group of 'peasant workers'. The new migrant workers are young and have a relatively high education. They claim equal treatment, and their aspirations challenge the traditional politics of belonging based on the *hukou* system. Social reforms are expected to gradually give them full rights as equal citizen. The *hukou* system and its related regulations mark a boundary closing the way to migrant workers gaining equal access to public services, whilst at the same time fostering what is called the 'rootless identity' of the new migrant workers which reflects their poor integration into the receiving cities. *Hukou* reform has been experimented with at the local or provincial level to deal with these conflicts of rural-urban boundaries. Zhang Xiaomin holds that the reform at national level is on the agenda and will offer equal rights for migrant workers.

The final chapter will set the findings of the previous chapters into a comparative perspective. Which common boundaries of belonging structure access to citizenship rights in the cases presented? How do these boundaries manifest in institutions and public discourse? Which strategies of boundary making and shifting do actors employ to change these boundaries? Analysing these questions from a comparative perspective, this chapter aims to come to conclusions on the general role of boundaries of belonging and their function in regulating access to citizenship rights in very different cultural, social and political settings. It will show how these categories are mutable and which common strategies

can be employed by social actors to influence and change them. From our findings we expect to touch on the theoretical implications and show avenues for further research on this topic.

Note

1. For the complex national, supranational and international legal bases of asylum right and categories see BAMF 2005 and <http://www.bamf.de/EN/Migration/AsylFluechtlinge/asylfluechtlinge-node.html>; for Schengen Treaty see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:239:0001:0473:EN:PDF>, for Dublin II Regulation see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>.

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