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TABLE OF CONTENTS

RESEARCH ARTICLES

European and National Migration Policy in the Shadow of Populism through the Lens of Administrative Measures: Germany and Italy Compared between 2015-2019

Réka FRIEDERY and Andrea CRESCENZI

Abstract. The paper explores a major conflict area, namely, national and the EU's immigration policy and investigates how the influx of migrants (mostly from the Middle East and North Africa - MENA region) into the EU has been used as a policy conflict ground. The article assesses the policy responses to (im)migration in Germany and Italy between 2015-2019 as the changes made redirected the policy for future migration crisis. The aim of the article is to underline that the migration crisis of the EU spiraled into Members States' migration and populism crisis and into the challenges of the implementation of common EU migration policies and national policies. This is achieved by the analyses of administrative measures adopted in the most argued areas like asylum procedure, return policy and integration The paper argues that these crisis management measures were mostly restrictive, and not only aimed to handle the crisis but exposed a phenomenon: they not only intended to thwart the continuous growth of migration and populism but were in parts even favored by populists in the sense that they had the intention to curb immigration, too.

Keywords: *EU policy, national policy, Italy, Germany, migration, populism*

Introduction

According to Aiginger, four root causes, globally and locally, are causes of populism: economic problems, cultural causes, the speed of change generated by globalisation and digitalisation, and last but not least the failure of policy to manage a transition to higher welfare (Aiginger 2020). Algan et al. put emphasis on the economic crisis that has uncovered shortcomings in the design of European economic and political institutions, and Europeans appear dissatisfied with local and EU politicians and institutions. This distrust fuels—and in turn is reinforced by—the rise of political extremism (Algan et al. 2017). Others, like Inglehart and Norris list cultural backlash as

reason for populism, where structural change led to the silent revolution of social-liberal values and this with immigration and diversity plus economic grievances results in cultural backlash, too (Norris and Inglehart 2018). Rodrik sees the distinctive trait of populism that it claims to represent and speak for 'the people', which is assumed to be unified by a common interest, the 'popular will', that in turn set against the 'enemies of the people' – minorities and foreigners (in the case of right-wing populists) or financial elites (in the case of left-wing populists) (Rodrik 2019)**.** In crisis situations, the EU faces the unique challenge of having to coordinate both horizontally (between EU institutions) and vertically (with member states) to achieve a response that is politically and operationally feasible (Arjen, Busioc and Groenleer 2013). Moreover, as seen at Member States' level, the securitization of migration is not a linear process but a spiraling phenomenon, which involves different actors, and their policies, practices and narratives, in a spiraling progression that both self-fulfils and reinforces migration-security nexus' dynamics (Bello 2020).

As for migration in Italy and Germany, even their past migration history connects the two countries. Germany cannot be regarded as a classical immigration country (Chin 2007), because it is an example of a "labor recruiting country" (Gesley 2017) on the ground that 14 million southern European guest workers arrived between 1955 and 1973, creating a paradox situation that immigration happened without a "destination country" (Bade 2000). On the other side, given the context of economic recession, it is unrealistic to look at Italy as a possible immigration country, as Italy was an exceptional case; a new receiving country while still being perceived as a major sending one (Caponio 2008). From the theoretical point of view, Italy belongs to the so-called southern European model of immigration, together with Greece, Portugal and Spain (Arango and Finotelli 2009) but the migratory balance started to shift in the early 1970s (Bonifazi 1998) as it started to receive mass immigration in the 1990s (Freeman 1995). In its initial experience as an immigration country, Italy had only received small numbers of asylum seekers, while the bulk of immigration growth was linked to massive inflows of labor migrants and their families (Paparusso 2018).

Ad-hoc plans shaping long-term plans in Germany

Persons persecuted on political grounds have the right of asylum[1] and as the migration crisis started to escalate, Germany decided to examine applications for

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[1] Art. 16 (a) of the Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by Article 1 of the Act of 28 March 2019 (Federal Law Gazette I p. 404).

international protection lodged by third-country nationals on the ground of Art. 17. of Dublin III[2], even though such examination was not its responsibility. However, the pressure continuous flow resulted in the returning to the standard Dublin procedures in October 2015.

The new-year events of 2015-16[3] turned the return policy into hotly debated topic and resulted in the conclusion of agreements with countries of origin. The aim was to ease and speed up forced and voluntary return procedures with collective deportations, even though for example Afghanistan was not regarded a safe country for forced returns. They Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers was introduced and contained the conditions for the provision which required to find a balance between the foreigner's interest in staying in Germany and the state's interest in expelling him or her in the individual case. Also, the act lists typical reasons to assume a particularly serious interest in expelling the foreigner or a particularly serious interest in remaining in Germany. It regarded serious interest when a foreigner was sentenced for certain offences and committed using violence, a threat of danger to life or limb or with guile. Particularly serious interest could be among others when the foreigner was sentenced to a prison term or a term of youth custody of at least one year for one of these crimes, and crimes within the meaning of the amended German Criminal Code[4]. Interestingly, the commission of serial offences against property was regarded as a particularly serious interest even if the perpetrator did not use violence, threats or guile.

The Act on the Introduction of FastTrack Asylum Procedures was part of the so-called Asyl Packet II[5] with stricter asylum measures aimed to shorten the length of asylum procedures through fast-track procedures. This procedure was planned to take place in special reception centres within a week, and with an appeal within two

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[2] Art.17, Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31–59.

[3] Hundreds of women experienced sexual assaults, and among the suspects there were foreign as well as German nationals and among the non-German suspects there were numerous refugees.

[4] For example, sexual assault by use of force or threats.

[5] BGB1 2016 Part 1 no.12 p.390
https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=%252F%252F*%255B%2540attr_id=%27bgbl116s0390.pdf%27%255D#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl116s0390.pdf%27%5D__1634033682442

weeks. However, we shall point out that this was in line with Directive 2013/32/EU (The Asylum Procedures Directive)[6] which explicitly provided for such an accelerated examination procedure. Moreover, it also contained stricter provisions regarding benefits, namely, only those who stayed in such special centres received benfits,[7] and also introduced restrictions to family reunification for certain beneficiaries of subsidiary protection.[8] That is to say, those with subsidiary protection status were restricted to bring their families to join them for a period of two years. Applicants subject to subsidiary protection are initially granted a residence permit for one year, which could be extended for another two years, as opposed to the three-year residence permits for asylees.

Nevertheless, the return policy was again at the centre of attention in 2016 because of the Christmas market attack in Berlin, carried out by a failed Tunisian asylum seeker who had not been deported though his application was rejected. The government responded to these with several means: re-establishing control over Germany's borders, reforming asylum policy, redoubling efforts to process a massive backlog of asylum applications, speeding up the integration of those granted protected status. Also, rejected asylum seekers were to be sent back to their countries of origin.

As seen, deportation remained all the time an explosive topic, and several court cases were dealing with this topic, even regarding deportation of family members. The Federal Administrative Court stated that in order to investigate bans on deportation, the Federal Office for Migration and Asylum (BAMF) has to examine whether a ban on deportation exists for each family member, even in the case of family associations. In this case, the risk assessment must be based on the assumption that the nuclear family living together in the Federal Republic of Germany will return to their country of origin as a family unit. This also applies if individual family members have already received protection status or if there is a national ban on deportation.[9]

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[6] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=DE

[7] Die Bundesregierung, Asylpaket II in Kraft. https://www.bundesregierung.de/breg-de/aktuelles/kuerzere-verfahren-weniger-familiennachzug-370360#Start

[8] On family reunification in Germany see more Anne Bick: Right to family reunification in Germany in Réka, Friedery; Luigino, Manca; Ralf, Rosskopf (eds) Family Reunification: International, European and National Perspectives, BWV Berliner Wissenschafts-Verlag, 2017, 95-118.

[9] Federal Administrative Court, 04 July 2019 - 1 C 45.18. Urteil vom 04.07.2019 - BVerwG 1 C 45.18, ECLI:DE:BVerwG:2019:040719U1C45.18.0.

In 2019, there was an extensive reform of asylum and migration legislation with seven laws enacted, and with numerous changes introduced to the Asylum Act, the Residence Act, the Asylum Seekers Benefits, the Skilled Workers' Immigration Act and the Act on Temporary Suspension of Deportation for Training and Employment. There aims were following. The provisions for admission procedure could be found in the Asylum Procedure Act. Asylum seekers, who are permitted to enter the country or who are found in the country without a residence permit were to be transferred to the nearest reception centre of the relevant state and a nation-wide EASY distribution system were used for initial distribution, and they were assigned to reception centers of the individual German states according to a formula defined in the Asylum Procedure Act (Federal Ministry of the Interior, Building and Community, 2020). It is worth mentioning that so-called 'arrival, decision and return' (AnkER) centres were established in 2018. The main aim was to centralize at one location and to shorten the asylum procedure, with a concept that was already applied in the 'arrival centres' across Germany and in 'transit centres' set up in three locations in Bavaria. But the target was not met, because most Federal States have not participated in the AnkER scheme, and at the end of 2019 only three Federal States had agreed to establish AnkER centres, in most cases simply by renaming their existing facilities so that in many cases all that had changed was the label on such centers (Knight, 2019). And in early 2019, it still took an average of six months to process asylum applications, contrary to a commitment of maximum of three months. Other provisions of the act contained that the Federal Office for Migration and Refugees provides counselling and legal assistance to asylum seekers, but we shall point out that this could led to conflict of interests.

As for the main changes regarding the Residence Act, they related to the enforcement of the obligation to leave the federal territory. Overall, the introduction of the Orderly Return Law substantially facilitates the use of 'custody pending departure' under Section 62b with the aim to enforce deportations. The Orderly Return Law or 'Second Law for the Improved Execution of Deportations' reduced the barriers to imposing detention for deportees. This gave more power to authorities to apply sanctions against those who do not comply with the lengthy deportation procedures, for example people who are a flight risk could now be detained prior to their deportation or authorities could start proceedings against migrants and refugees who lie on their asylum applications. It created a new type of detention, a 'detention to obtain participation', and foreigners could be detained when they failed to comply to cooperate. This risk of absconding allowed to detain a person for the purpose of deportation. Moreover, they introduced to hold pre-removal detainees in regular

prisons until June 2022 (Informationsverbund Asyl und Migration 2020) instead of specialised institutions, although detainees would be held in premises separate from inmates.

One of the main amendments regarding the Asylum Seekers' Benefits Act was the extension of the waiting period to access social benefits with additional three months. Individuals in centres were considered as constituting a 'community of destiny', presuming that they conduct common activities that allow them to save costs. Persons who have already been granted international protection in another EU Member State, and whose obligation to leave the territory was enforceable, were excluded from all social benefits after a transition period of two weeks.

The Integration Act in 2016 has already emphasised the importance of integration, and presented important positive changes in the integration for asylum seekers and for persons whose deportation has been suspended. Furthermor, the Skilled Workers' Immigration Act of 2019 aimed to create a legislative framework for selective and increased immigration of skilled workers from third countries and to improve the integration of skilled non-European foreigners into the labour market. This concerned foreign citizens who have applied for asylum in Germany and individuals applying for a work visa in a third country (Bathke 2019). Skilled workers were considered university graduates and highly qualified workers from third countries outside of the EU who have a domestic, a recognized foreign, or an equivalent foreign university degree (skilled worker with academic background) or who have completed domestic or equivalent foreign qualified vocational training (skilled worker with training). The Act was in line with the demographic change, the shortage of skilled labour, for which the political dynamics were different, since the general public and most political parties tended to support moderately generous entry rules. Moreover, there could be feedback loops between the rules on labour migration and the debate on asylum (Thym 2019). Besides this, the Act on Temporary Suspension of Deportation for Training and Employment was passed to provide certain foreigners with legal certainty regarding their residence status and create the prospect of a long-term stay but only for those whose deportation has been temporarily suspended.

Italy on the path of drastic approaches

The right of asylum is regulated in Article 10.3 of the Italian Constitution. However, it should be pointed out that Italian legislation does not define the conditions to access the right of asylum. The relevant rules have been defined, for

the most part, through the transposition of Community law (Bonetti 2011).

Two lines of action also characterised migration policies in the period 2016–2018: the NGO Code of Conduct and the agreements made with migrants' countries of origin and transit. The NGO Code of Conduct outlined a set of rules NGOs had to abide by during rescue operations at sea. Italian authorities could take measures with respect to the vessels, should the NGOs fail to sign or comply with the Code of Conduct (Ministry Home Affairs 2017).

In the period 2018–2019, migration policies were at the core of the newly formed government in its first months of office. In particular, the Government adopted a stricter line in this area, with a set of measures concerning NGOs working in the Mediterranean and the closure of Italian ports to vessels with migrants on board. Lack of cooperation by other EU Member States led the Italian authorities to take more stringent measures in this period. In particular, NGOs carrying out rescue operations in the Mediterranean were forbidden to enter Italian ports, as they were accused of having ties with traffickers' networks. At a general level, closing ports was used as a way to put pressure on and force other EU Member States to receive a number of asylum seekers, following the failure of relocation measures. One of the primary challenges that Italy had to tackle concerning EU policy implementation was the transposition of the Reception Directive and of the Asylum Procedures Directive. Operationally, the government took steps aimed at improving the migrant reception system on domestic soil and reducing the time required to process asylum applications.

Three decrees concerning immigration have been adopted that amended the Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI). Urgent provisions for the acceleration of international protection proceedings, as well as the fight against illegal immigration (Decree Law No. 13 2017), Urgent provisions on international protection and immigration–public security (Decree Law No. 113 2018) and Urgent provisions concerning public order and security (Law Decree No. 53 2019).

The decree Urgent provisions for the acceleration of international protection proceedings introduced new procedural elements, in particular, the possibility to video record the applicant's interview before the Territorial Commissions for the Recognition of Refugee Status (Article 6.1) and the elimination of the appeal for asylum applications (Article 6.13). Video recording does not ensure privacy and security, and it may now be used instead of having the applicant physically present at a hearing. Decree 13/2017 established that the presence of the applicant at the

hearing may be ordered by the judge exclusively if he or she deems it appropriate after reviewing the video recording of the interview before the Commission.

The text of the Decree provided for the abolition of the second instance of appeal for those who had their application rejected in the first instance. According to the drafters of the Decree, in fact, the setting up of special sections with judges having specific expertise would offer sufficient guarantees for determining the appropriateness of an asylum application. However, eliminating the appeal was a violation of the principle of equal confrontation between the parties and of fair proceedings enshrined in Article 111 of the Italian Constitution at a domestic level, and of the right to an effective remedy set out in the Charter of Fundamental Rights and in the Asylum Procedures Directive at a European level. Overall, attempting to eliminate the system backlog and accelerate procedures by giving up the guarantees of asylum seekers did not seem to be acceptable (Forastiero 2018).

In this connection, it must be recalled that the Court of Justice has had occasion to rule, in its judgment of 28 September 2018,[10] that "Directive 2013/32/EU does not oblige Member States to provide an appeal against the first-instance appeals, or that an appeal at that instance should have automatic suspensory effect. The case before the Court concerned a request for a preliminary ruling from the Milan Tribunal regarding the suspensive effect of appeals and the criteria for assessing a need for suspension" (Case F.R. v Ministero dell'interno 2018).

In connection with the decree Urgent provisions on international protection and immigration–public security, protection on humanitarian grounds was provided for in TUI (Article 5.6) when asylum status or subsidiary protection could not be recognised, but there were serious reasons, in particular of humanitarian character or arising from constitutional or international obligations of the Italian State, to provide some protection to an applicant. Instead of humanitarian protection, the Decree introduced a number of special permits, with a validity of up to one year, to be issued exclusively for given reasons: medical care, natural disasters, acts of civic merit, exploitative working situations, domestic violence, and social protection.[11]

Although humanitarian protection was not formally provided at a European level, it was advocated in the Qualification Directive. In fact, Recital 15 stated that

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[10] The case concerned a Nigerian national who had applied for asylum in Italy, but was rejected on both instances. Upon appeal before the Supreme Court of Cassation, the applicant also requested interim measures to suspend the execution of the contested decision, due to the risk of being exposed to inhuman and degrading treatment in Nigeria.

[11] Article 1 paragraphs 1 and 2.

persons that are not in need of international protection may be granted, on a discretionary basis, the right to remain in the country for compassionate or humanitarian reasons. Furthermore, domestically, the abolition of humanitarian protection was in contrast with the case-law of the Court of Cassation, which considered this permit as one of the instruments used to apply the right of asylum provided for in Article 10(3) of the Italian Constitution (Italian Court of Cassation, Decision No. 29460, 2019). The Decree also contains a set of measures limiting personal freedom: from the detention of asylum seekers in hotspots to the extension of the detention of irregular migrants in pre-removal centres (CPRs) from 90 to 180 days.

Regarding the detention of asylum seekers in hotspots, this was in contrast with both the Italian Constitution and with the main international agreements in this area, such as the Geneva Convention Relating to the Status of Refugees and the European Convention on Human Rights. Moreover, this provision is in line neither with the Qualification Directive nor with the Asylum Procedures Directive, which establish that a person should in no way be detained for the simple fact of having submitted an application for international protection and that the Member States shall not hold a person in detention for the sole reason that he or she is an applicant. These were, in fact, persons who have asked to access a right and, as such, cannot be deprived of their personal freedom. The Decree did not define the cases in which detention can be ordered; they simply arise from their condition of not having an identity document, which is common to asylum seekers. Article 3 of the Decree had additional elements, concerning the length and the place of detention: an applicant may be detained for identification activity for 30 days in hotspots or in initial reception centres, and 180 days in CPRs if their identity is not confirmed – making a total of 210 days. As regards the facilities indicated in the Decree for the detention, the hotspots were first reception centres and, as such, did not provide special guarantees.

Another form of detention provided for in the Decree related to a foreign national awaiting removal, who may be detained in the place where the removal measure was taken if there is no availability in CPRs. No indication were given of what this place actually is, nor of what sort of place may be considered appropriate. Moreover, the Decree did not even provide indications of the guarantees to be given to detainees and does not comply with the Return Directive (2008/115/EC), which established that detention should take place in specialised, clearly defined, detention facilities.

The changes made on subsequent applications in the Decree raised a number of compatibility issues with the provisions of the Asylum Procedures Directive. In particular, the Decree established that an applicant is not entitled to remain on Italian soil awaiting the outcome of his or her procedure if they have made the application merely in order to delay or frustrate the enforcement of a removal decision, or if, after a decision rejecting the previous application, the subsequent application does not contain any new substantive elements.

It made changes to the reception system that was originally intended for asylum seekers and refugees (SPRAR), which is now available only to beneficiaries of international protection and unaccompanied minors (Cittalia 2018). Pursuant to the Decree, asylum seekers were hosted in regular reception centres, in which they await the decisions on their applications without partaking in any special activity or any courses. In this way, beneficiaries of international protection were the only ones who have access to social and labour market integration programmes. Moreover, asylum seekers were now hosted in emergency facilities. That was not the case in SPRAR facilities. The reform did not lead to an overhaul of emergency facilities, nor to forms of cooperation between the two levels of reception.

As for Decree Urgent provisions concerning public order and security, the most controversial provision is Article 1, laying down that the Ministry of the Interior might have limited or prohibitid vessels that violate Italian immigration laws from entering transit or coming to a halt in the territorial sea. This was linked to the concept of 'safe port' of landing, as affirmed in the International Convention on Maritime Search and Rescue (1979), establishing that people rescued at sea should be disembarked at the closest 'safe port', considering geographical proximity and humanitarian concerns. Now, for almost all vessels rescuing migrants in the Central Mediterranean, in the proximity of Libya, the first safe port is Italy. In fact, no other country is equipped to allow disembarkation without putting rescued people at risk (Moreno-Lax, 2011). Moreover, all rescued migrants were potential asylum seekers. In this sense, removing a vessel full of asylum seekers would have been equivalent to collective refoulement, which is forbidden by Article 78.1 of the Treaty on the Functioning of the European Union, Articles 18–19 of the EU Charter of Fundamental Rights, and Article 21 of the Qualification Directive (Favilli, 2018).

Final remarks

Common aspect in Germany and Italy that all measures introduced were intended to manage and contain the arrivals of migrants. Germany has steadily built up the new

direction of its migration policy with the focus strongly on the liberal approach regarding the necessary migration of labour power and on integration. The focus was more on restrictive measures, the reduction of arrivals, and on the integration of refugees. Germany has gradually developed from a country that accommodated guest workers to a country with regulated immigration. Although Germany was one of the most prominent advocates for harmonising several aspects of migration policy, with the introduction of the Skilled Immigration Act the direction of not leaving migration policy reform entirely to supranational harmonisation became quite clear.

As for Italy, there were three governments with three different Ministers of the Interior between 2015 and 2018. The main political and legislative measures adopted in the area of immigration were affected by the pressure the Italian asylum system was under as a result of a strong increase in migration flows due to the war in Syria and the situation following the Arab Spring. Despite some differences, all of the policies adopted were intended to manage and contain the arrivals of migrants on Italian shores.

At an internal (EU) level, that goal was pursued by setting up hotspots and activating the relocation system adopted by the EU Commission. At an external (non-EU) level, several cooperation agreements were concluded in order to control departures and manage the return of migrants. The internal approach encountered strong operational and organisational delays, which, combined with poor cooperation on the part of other EU Member States, made it possible to attain the expected objective only to a very limited extent. Agreements with third countries met with much opposition, as they are based on prevention and, especially, as they may violate human rights.

The relocation system was a first implementation of the principle of solidarity and fair sharing of responsibility between Member States, as set out in Article 80 of the Treaty on the Functioning of the European Union (TFEU). However, the principle of solidarity was undermined by a lack of cooperation from a considerable number of Member States, the Visegrad countries in particular. Probably, the real issue is that all Member States have to change their approaches to migration issues (Crescenzi, 2019). This lack of solidarity between states was then used in an anti-EU perspective; the European Union was blamed for most of the shortcomings recorded in managing the migration phenomenon.

However, all of the unsolved, internal EU problems between Member States led to the focus on the external direction, namely, that since 2015 the external dimension of the EU migration policy has focused on supporting third countries involved in migration routes, with the aim of reducing migration flows and repatriating irregular migrants. This can be seen as a glue between the different policies and approaches of EU Member States.

Bibliography

Aiginger, K. (2020). Populism: Root Causes, Power Grabbing and Counter Strategy, *In Intereconomics Review of European Economic Policy*, 55 (1), 38-42.

Algan, Y. et al. (2017). The European Trust Crisis and the Rise of Populism, *In Brookings Papers on Economic Activity*, 309-382.

Arango, J., Finotelli, C. (2009). *Past and Future Challenges of a Southern European Migration Regime: the Spanish Case*, IDEA Working Paper, 3.

Boin, A., Busioc, M., Groenleer, M. (2013). Building European Union capacity to manage transboundary crises: Network or lead-agency model?, *In Regulation & Governance*, 8(4), 9.

Bade, K. J. (2000). *Migration und Integration in Deutschland seit dem Zweiten Weltkrieg Probleme – Erfolge – Perspektiven*, Hahn Druckerei.

Bade, K. J. (2014). Willkommenskultur und Fremdenangst in der Einwanderungsgesellschaft.

Deutsch Türkische Nachrichten, (31.10.14, 09:04). http://kjbade.de/wp-content/uploads/2014/11/2014-10-31_willkommenskultur-und-fremdenangst_TDN.pdf

Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by Article 1 of the Act of 28 March 2019 (Federal Law Gazette I p. 404)

Bathke, B. (2019). *German policy package on migration: What will change for asylum seekers and migrants?* https://www.infomigrants.net/en/post/17379/german-policy-package-on-migration-what-will-change-for-asylum-seekers-and-migrants

Bello, V. (2020). The spiralling of the securitization of migration in the EU, *In Journal of Ethnic and Migration Studies,* 48 (6), 1327-1344.
https://www.tandfonline.com/doi/full/10.1080/1369183X.2020.1851464

Bick, A. (2017). Right to family reunification in Germany. In R. Friedery, L. Manca, R. Rosskopf (eds.), *Family Reunification: International, European and National Perspectives,* BWV Berliner Wissenschafts-Verlag, 95-118.

Bundesamt für Migration und Flüchtlinge (BAMF) (2018). *Migration, Integration, Asyl. Politische Entwicklungen in Deutschland 2017*. Jährlicher Bericht der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN).
https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/Politikberichte/emn-politikbericht-2017-germany.pdf?__blob=publicationFile&v=10

Bonetti, Paolo (2011). Il diritto di asilo nella costituzione italiana. In Favilli, Ch., *Procedure e garanzie del diritto di asilo*, Cedam, 35-72.

Caponio, T. (2008). (Im)Migration Research in Italy: A European Comparative Perspective, *In The Sociological Quarterly*, 49(3), 445-464.

Chin, R. (2007). *The Guest Worker Question in Postwar Germany*, Cambridge University Press, 281. p.

Corrado, B. (1998). V immigrazione straniera in Italia. II Mulino, 293 p.

Crescenzi, A. (2019). Solidarity as a Guiding Principle of EU Asylum Policy. In Majtényi, B. Tamburelli (eds), *Human Rights of Asylum Seekers in Italy and Hungary. Influence of International and EU Law on Domestic Actions,* Giappichelli Editore – Eleven Int. Publ., 1-19.

Cittalia (2018). Annual Report Sprar/Siproimi on Italian Protection System for Beneficiaries of International Protection and for Unaccompanied Foreign Minors. https://www.siproimi.it

Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI) (Legislative Decree No. 286, 1998).

Decree Law No. 13 of 17 February 2017. Urgent Provisions for a Swift Processing of International Protection Applications and to Contrast Illegal Immigration. Gazzetta Ufficiale No. 40 of 17 February 2017.

Decree Law No. 113 of 4 October 2018. Urgent provisions concerning international protection and immigration, public security, as well as measures for the functionality of the Ministry of the Interior and the organization and functioning of the National Agency for the administration and destination of assets seized and confiscated to organized crime. Gazzetta Ufficiale No. 231 of 4 October 2018.

Decree Law No. 53 of 14 June 2019. Urgent Provisions Concerning Security, Public Order and Fight Against Illegal Immigration. Gazzetta Ufficiale No. 138 of 14 June 2019.

Legislative Decree No 286 of 25 July 1998, Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI). Gazzetta Ufficiale No. 191 of 18 August 1998.

Deutsches Institut für Menschenrechte, DIM (2016). Stellungnahme. Die EU-Türkei-Vereinbarung vom 18. März 2016: Umsetzung und Konsequenzen aus menschen- und flüchtlingsrechtlicher Perspektive. Empfehlungen an die Bundesregierung, Berlin.

Die Beauftragte der Bundesregierung für Migration (2011). Flüchtlinge, und Integration. Hintergrundinformationen Integration in Deutschland – Zahlen, Daten, Fakten, Zweiter Integrationsbericht. Die Beauftragte der Bundesregierung für Migration, Flüchtlinge, und Integration Berlin.

Dimitriadi, A. (2016). *The Janus face of Europe's migration policy Contradictory approaches are built into the system of Europe's migration and asylum policies.* https://www.ecfr.eu/article/commentary_the_janus_face_of_europes_migration_policy_5082

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 2013 O.J. (L 180) 60, art. 31 ¶ 8, EUR-LEX.)

European Commission. (2017). Action Plan on Measures to Support Italy, Reduce Pressure Along the Central Mediterranean Route and Increase Solidarity. Retrieved from https://ec.europa.eu

European Commission. (2017). Migration and Border Management, Commission Awards Additional €40 Million in Emergency Funding to Support Italy. Retrieved from https://ec.europa.eu

European Database of Asylum Law, EDAL (2018). The Case of the Administrative Arrangement between Greece and Germany: A tale of "paraDublin activity"? https://www.asylumlawdatabase.eu/en/journal/case-administrative-arrangement-between-greece-and-germany-tale-%E2%80%9Cparadublin-activity%E2%80%9D

EU No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-Country national or a stateless person.

Favilli, Ch. (2018). Overview and Summary of the Obligations of the EU Institutions and State Authorities with regard to the Charter in the Field of Asylum. Proposals for Possible Improvements in EU Legislation and Policies. In Crescenzi, A., Forastiero, R., Palmisano, G., Asylum and the EU Charter of Fundamental Rights, Editoriale scientifica, 79-95. https://www.editorialescientifica.com/shop/e-book/asylum-and-the-eu-charter-of-fundamental-rights-detail.html

Federal Office for Migration and Refugees (2017). Migration, Integration, Asylum Political Developments in Germany 2016 Annual Policy Report by the German National Contact Point for the European Migration Network (EMN). https://ec.europa.eu/home-affairs/sites/homeaffairs/files/11a_germany_apr_part2_en.pdf

Federal Ministry of the Interior, Building and Community (2020). Asylum and refugee policy

https://www.bmi.bund.de/EN/topics/migration/asylum-refugee-protection/asylum-refugee-policy-germany/asylum-refugee-policy-node.html

Friedery, R. (2016). *Migráció és integráció: a német modell* (Migration and integration: the German model), Acta Humana, 23-32.

F.R. v Ministero dell'interno (2018) Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano, CJEU, Case C-422/2018, Judgment of 27 September 2018.

Forastiero, R. (2018). The Right to an Effective Remedy and the Protection of Particularly Vulnerable Persons as Asylum Seekers in Light of the Charter of Fundamental Rights. In Crescenzi, A., Forastiero, R., Palmisano, G., *Asylum and the EU Charter of Fundamental Rights*, Editoriale scientifica, 99-119. https://www.editorialescientifica.com/shop/e-book/asylum-and-the-eu-charter-of-fundamental-rights-detail.html

Federal Administrative Court, 04 July 2019 - 1 C 45.18. Urteil vom 04.07.2019 - BVerwG 1 C 45.18, ECLI:DE:BVerwG:2019:040719U1C45.18.0.

Gesley, J. (2017). *Germany, the development of Migration and Citizenship law in post war Germany*, Global Legal Research Center, The Law Library of Congress (USA),

Glorius, B. (2018). *Migration to Germany: Structures, processes and discourses*, Regional Statistics, 8 (1), 3–28. http://www.ksh.hu/docs/hun/xftp/terstat/2018/rs080101.pdf

Heckmann, F. (2014). Ein neuer Ton im migrationspolitischen Diskurs. In: Bertelsmann Stiftung (Hrsg.): *Vielfältiges Deutschland. Bausteine für eine zukunftsfähige Gesellschaft*. Verlag Bertelsmann Stiftung, Gütersloh, 40.

Hruschka, C. (2019). *The border spell: Dublin arrangements or bilateral agreements? Reflections on the cooperation between Germany and Greece* / Spain in the context of control at the German-Austrian border. http://eumigrationlawblog.eu/the-border-spell-dublin-arrangements-or-bilateral-agreements-reflections-on-the-cooperation-between-germany-and-greece-spain-in-the-context-of-control-at-the-german-austrian-border/

Informationsverbund Asyl und Migration (2020). Overview of the main changes since the previous report. Germany.

https://www.asylumineurope.org/reports/country/germany/overview-main-changes-previous-report-update

Istat Report, 22 July 2020 (https://www.pr.camcom.it/2010-materiale-news-ed-eventi/materiali-2020/istat-report-livelli-di-istruzione-e-ritorni-occupazionali-2019)

Italian Court of Cassation. Decision No. 29460 of 24 September 2019

Italian Government (2017). Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic. Retrieved from http://www.governo.it/sites/governo.it/files/Libia.pdf

Khlaifia v. Italy, ECHR, Application No. 16483/12, 15 December 2016 Law No. 91 of 5 February 1992, New Norms on Nationality. Gazzetta Ufficiale No. 38 of 15 February 1992

Knight, B. (2019). *Germany passes refugee migration 'stress test': expert report*, Deutsche Welle, https://www.dw.com/en/germany-passes-refugee-migration-stress-test-expert-report/a-48639433

Mancini, M. (2018). Italy's New Migration Control Policy: Stemming the Flow of Migrants from Libya Without Regard for their Human Rights, *In The Italian Yearbook of International Law*, 259-281.

Ministry of Home Affairs. (2015). Roadmap. Retrieved from http://www.asgi.it/wpcontent/uploads/2015/11/Roadmap-2015.pdf

Ministry of Home Affairs. (2016). Memorandum of Understanding between the Public Security Department of the Italian Interior Ministry and the National Police of the Sudanese Interior Ministry

for the Fight Against Criminality, Management of Frontiers and Migration Flows and about Repatriation. Retrieved from https://www.asgi.it/allontamento-espulsione/memorandum-sudan-italia-analisi-giuridica/

Ministry of Home Affairs. (2017). Code of Conduct for NGOs Undertaking Activities in Migrants' Rescue Operations at Sea. Retrieved from https://www.interno.gov.it/sites/default/files/codice_condotta_ong.pdf

Moreno-Lax, V. (2011). Seeking Asylum in the Mediterranean: Against a Fragmentary Reading of EU Member States' Obligations Accruing at Sea. *In International Journal of Refugee Law*, 174–220.

Norris. P., Inglehart, R. (2018). Cultural Backlash. Trump, Brexit and the Rise of Authoritarian-Populism, UNDESA (United Nation Department of Economic and Social Affairs), 2018 https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2018/09/Norris.pdf on Pippa Norris and Ronald Inglehart: Cultural Backlash. Trump, Brexit and the Rise of Authoritarian-Populism, NY, Cambridge University Press, 2019

Paparusso, A. (2018). Migrants or Refugees? The Evolving Governance of Migration Flows in Italy during the "Refugee Crisis", *In Revue européenne des migrations internationales*, 34(1), 151-171.

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, pp. 31–59

Rodrik, D. (2019). *Many forms of populism*, CEPR's policy portal, https://voxeu.org/article/many-forms-populism.

S. Stouffer (1940) Intervening opportunities: A theory relating mobility and distance, *In American Sociological Review*, 845-867.

Thym, D. (2018). *Beyond the 'Welcome Culture': Projects of the New German Government on Migration, Asylum and Integration*, https://eumigrationlawblog.eu/beyond-the-welcome-culture-projects-of-the-new-german-government-on-migration-asylum-and-integration/

Thym, D. (2019). *The German Migration Package: A New Deal on Labour Migration?* http://eumigrationlawblog.eu/the-german-migration-package-a-new-deal-on-labour-migration/

Triadafilopoulos, T. (2019), Germany's Post-2015 Immigration Dilemmas, *In Current History*, 118 (806), 108–113.

Exploring Migration Profiles of Professional Hispano-Americans in Japan, China, and South Korea: Socio-Structural Tensions in Hispano-America and Aspirations in East Asia

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Abstract. The global surge in migration has led to diversification in immigrant populations and their migration patterns, even towards countries like Japan, China, and South Korea with traditionally low immigration rates. This study examines the forces driving migration among professional Hispano-Americans. It introduces an analytical framework, inspired by Archer and Bourdieu, that unravels the interplay between agency and structure, utilizing the concept of migratory trajectories to investigates dynamic shifts and subjective dimensions inherent in migration. Using grounded theory, in-depth interviews and a questionnaire survey involving 236 professionals reveal four distinct migration profiles. The data highlights the intricate nature of participants' migration expectations, shaped by tensions like the education-occupation gap, corruption, nepotism, and security concerns in their home countries. These aspirations are influenced by a convergence of economic, socio-cultural, and political factors, emphasizing professional growth, enhanced quality of life, and enriching socio-cultural experiences. Importantly, these expectations lead to a tendency to deviate from conventional migration routes, driven by a highly positive perception of destination countries. The findings shed light on the complex interplay of socio-structural tensions, migration expectations, and resulting trajectories.

Keywords: *immigration, professional immigration, immigrant profiles, Hispano-Americans, Japan, China, South Korea*

1. Introduction

Global migration has surged, marked by substantial growth in the number of international migrants.[1] These migrants constitute approximately 3.6% of the world's population, totaling around 281 million in 2020 (IOM, 2022). Over the span

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[1] The United Nations Department of Economic and Social Affairs (DESA, 1998) defines international migrants as individuals who relocate to a country other than their original place of residence and stay there for a minimum of 12 months, irrespective of the motive behind migration or their legal status.

of two decades, international remittances have escalated from about $128 billion to $702 billion. The count of international migrants has risen by approximately 87%, refugees by about 89%, and internally displaced persons by roughly 160% (IOM, 2022). Even regions historically experiencing low levels of international immigration, such as East Asia, have observed an increase in foreign residents.

This study adheres to the conventional definition of East Asia, encompassing dynamic nations like Japan, People's Republic of China, Republic of Korea (henceforth China and South Korea), Democratic People's Republic of Korea, Mongolia, and the Republic of China (in Taiwan), along with semi-autonomous territories Hong Kong and Macau (Kort, 2005). Renowned for economic vitality, these nations play pivotal roles in the global economy, enhancing their influence (Yoshimatsu, 2014). They contribute significantly to global communication, trade networks, and interactions with the West, shaping 21st-century Asia (MacDonald & Lemco, 2011). Due to increased international migration and interactions, regions with significant influence, such as East Asia, have become focal points for the escalation of migration. Japan, China, and South Korea were selected for this research due to their rankings among the world's top three economies in the region, based on gross domestic product (GDP) and gross domestic product based on purchasing power parity (GDP PPP) (IMF, 2023). Additionally, their larger scale makes it methodologically plausible to have contact with diverse immigrant groups.

Japan's foreign population has surged to about 2.85 million, driven by changes in the resident management system, immigration law amendments, employment-based residence statuses, ethnic Japanese permanent residency policies, and the Technical Intern Training Program (Akashi, 2010). Between 1990 and 2017, the number of medium- to long-term foreign residents surged from 407,603 to 2,232,026 (Ministry of Justice, 2018). The ethnic Korean population, once 90% of foreign residents, has declined to 12.9% due to naturalization and an aging demographic, while "newcomer" immigrants have risen since the 1990s, becoming the majority. Additionally, about 14,000 naturalized citizens and 34,000 children from international marriages have contributed to Japan's diverse ethnicity. Korekawa's research (2018) underscores immigration trends, estimating immigrants and individuals with foreign backgrounds at 3,325,405 (2.6% of the population) in 2015, projected to grow to 7,260,732 (6.5%) by 2040 and 10,756,724 (12.0%) by 2065 (Korekawa, 2018).

Japanese immigration research primarily employs descriptive, qualitative,

and ethnographic approaches, yet lacks theoretical development linking individual experiences to broader social structures (Higuchi, 2010a, 2010b). That research often narrows its focus to specific ethnic groups, limiting comprehensive evaluations of integration experiences in contemporary Japan and complicating discussions on holistic social integration policies (Komai, 2015). Precedents like Japanese-Brazilians and Japanese-Peruvians migrating to Japan since the 1980s are well-researched (Tsuda, 2003; Takenaka, 2005; Maeda, 2006; Tsuda, 2022, among many others), but few studies delve into non-descendant immigration to East Asia.

Kajita (1994) explored the roles of foreign workers in Japan's labor landscape. Subsequent studies, such as Kamibayashi (2015), investigated foreign workers' placement in the labor market and company employment practices. Hashimoto (2017) analyzed foreign workers' job choices using census data, introducing the "invisible settling" hypothesis. Takenoshita (2006; 2013) validated economic assimilation propositions, primarily for Japanese Brazilians and Chinese immigrants. Takenaka et al., (2016) proposed a "negative assimilation model" for Japan, linking extended residence to lower wages. Notably, there is limited attention given to professional immigrants from other regions.

China's international student policies have attracted nearly 500,000 students in two decades, serving as a potential bridge for domestic employment (Qi, 2021). In 2019, 1,030,871 foreign residents (0.07% of the population) lived in China, primarily from Hong Kong and South Korea. China's transition from emigration source to immigration receptor is influenced by its emerging global power status. The 2012 exit-entry law merged laws for foreigners and Chinese citizens, signifying China's growing recognition of immigrants as integral members of society (Zhu & Price, 2013). Labor and specialized skill demand in sectors like agriculture, construction, export processing, and caregiving drives foreign residence (Park et al., 2010).

Despite recent changes, China's international immigration studies remain in their infancy. Research mainly addresses internal labor migration (Qian & Florence, 2021; Sun, 2014; Liu et al., 2015; Pun, 2016) and forced internal migrations due to state development projects (Feng, Zhu & Wang, 2021). However, studies on foreign urban residents are growing alongside their increasing presence in major cities. Topics encompass highly skilled migration (Li et al., 2021) and experiences of African traders in the southern region (Carling & Haugen, 2021; Jordan et al., 2021). Additionally, research examines how Chinese policies aim to attract immigrants to

globalize and transform major cities (Ong. 2011). The field's immaturity leads to generalizations like "western expats" (Cai & Su, 2021), encompassing vague definitions of immigrants from the global North or Africa.

South Korea's foreign resident population grew over threefold to 2,524,656 in 2019 (KIS, 2019), primarily due to labor migration. This growth addresses demographic challenges linked to low fertility rates and an aging population. With fertility rates below replacement level (0.84 in 2020), aging population is projected to comprise 40% by 2050 (Yun et al., 2022). South Korea introduced multifaceted policies, including financial incentives, childcare subsidies, and the Employment Permit System (EPS) in 2004 to address labor shortages (Chung, 2020).

As immigration rates rise in South Korea, research on immigrants has increased. Korean immigration researchers (Kim, 2009; Choi, 2017) focus on socio-cultural conflicts and immigrants' adaptation experiences in Korean society. Regarding Hispano-American immigration, Choi (2017) explored cultural adjustment experiences of Latin American workers in Korea. Joo (2012) compared adaptation experiences of Latin American immigrants in Korea with those in Japan.

Notably, previous research exhibits significant gaps in two key aspects. Firstly, studies focusing on Latin-American immigrants often employ oversimplified definitions that can lead to inaccuracies. Adopting the term "Hispano-American"[2] (Urbanski, 1978) enhances scientific precision, challenges the Western European political construct of 'Latino(a)/Latin' influenced by imperialism (Torres Martínez, 2016), and recognizes immigrants' self-identification. This recognition is essential, as it is evident that Hispano-Americans often strive to differentiate themselves from other foreign groups (Piffaut Gálvez, 2023a). Secondly, there is a significant gap in research concerning professional Hispano-American immigrants. Examining this particular group contributes to a deeper understanding of the various migration processes within the context of the 21st century's global networks and transnationalism (Colic-Peisker, 2010; Cranston, 2016).

Hence, this research focuses on professional Hispano-Americans in Japan,

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[2] Hispanic America or Hispano-America, as the term is used here, refers to the largest cultural area in the American Continent, including 18 countries, namely, Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Where Spanish is the most commonly spoken language, despite there are also indigenous minority languages in this area. Hispano-Americans as defined here are the native Spanish speakers born and raised in these countries.

China, and South Korea with the aim of contributing to migration studies in these countries, enhancing the understanding of Hispano-American immigrant origins, and investigating an understudied subgroup within East Asia. The study takes an exploratory-descriptive approach due to the absence of prior research addressing the distinct characteristics of Hispano-Americans without Asian ancestry in these countries, as well as the social dynamics that underlie their migration.

This study is centered on developing migratory profiles for professional Hispano-Americans and investigating the underlying social processes that shape their migration trajectories to Japan, China, and South Korea. The methodology involves understanding socio-structural tensions in their countries of origin, outlining their migration expectations, and exploring how these factors interact to form these profiles.

2. Theoretical approach and research methods
2.1 Theoretical approach

The proposed analytical-conceptual framework offers a nuanced approach to comprehending migration origins by examining the interplay between agency and structure while avoiding conflational approaches. Archer (2009) highlights the challenge of capturing temporal moments in agency/structure interactions, while Bourdieu (1998) asserts that changes in dispositions require concurrent changes in objective structures. Drawing from Archer's argument, this study analytically differentiates agency from structure and utilizes the concept of migratory trajectories to explore their interaction, thereby enhancing theoretical and investigative outcomes.

Migratory trajectories, as a concept, encompass the dynamic shifts and subjective elements inherent in migration (Lacomba, 2001). These trajectories reconstruct migration narratives by considering departure causes, conditions, and expectations, enabling a diachronic understanding of migration characteristics (Bourdieu, 2011). Bourdieu's social surface concept, portraying agents' multidimensionality, aids in comprehending migration complexities. These trajectories, often marked by rupture, gain significance through familial, occupational, and educational dimensions (Orejuela et al., 2008).

Understanding migration's complexity requires an exploration of destination conditions and migrant characteristics. The concept of hysteresis, revealing shifts

resulting from the asynchrony between agency and structure (Hardy, 2014), is integral. Bourdieu's theory views migration as a conflictual process stemming from the rupture between habitus and social conditions. The hysteresis of habitus captures the inertia or divergence between dispositions and realization possibilities within a social field (Bourdieu, 2000). The impact of hysteresis varies based on individual position and trajectory within social fields, signifying rupture with social structures and participation in distinct new fields (Diossa Jiménez, 2012).

Navigating the array of migratory trajectories requires distinguishing between trajectory and itinerary. Trajectory concerns individual-specific routes, while itinerary involves pre-established paths shaped by shared tendencies among individuals facing similar circumstances (Lacomba, 2001). Addressing the challenge of discerning specific and general aspects in trajectory construction, De Coninck & Godard (1990) propose "biographical navigation." This involves creating intermediate biographical concepts to bridge the gap between singular statements and collective assertions, forming a structurally grounded distinctiveness from observed data.

The trajectory concept aligns with migration profiles (Orejuela et al., 2008), capturing distinctions and shared characteristics within migration flows, offering a more nuanced understanding than the concept of uniform immigration (Lacomba, 2012). A multidimensional typology is developed to formulate profiles of professional Hispano-Americans in host countries, revealing associations between socio-structural tensions, migration expectations, and the interplay between structural and subjective aspects in migration decisions. These profiles serve as analytical tools representing ideal types, allowing for flexibility in aligning trajectories with itineraries.

2. Research Method

The research methodology employs grounded theory, a qualitative approach that entails iteratively deriving categories and concepts from constant data comparison and analysis (Glaser & Strauss, 2017), offering flexibility in theoretical interpretation and novel analytical perspectives. Additionally, content analysis played a pivotal role in processing interview data (Krippendorff, 2018). Data collection involved in-depth interviews (Taylor et al., 2015) and a questionnaire survey (Mellenbergh, 2008). Initial exploratory interviews illuminated subjects' immigration experiences, guiding subsequent in-depth interviews focused on

specific topics. The interviews provided coded data that informed the creation of a questionnaire survey covering emerging themes.

For conciseness, this article thoroughly analyzes survey results, selecting one representative quote from research participants for each topic to be illustrated. A total of 236 individuals participated in this research. All 236 participants are first-generation professional Hispano-Americans immigrants with no known Asian ancestry. Table I summarizes the specifics.

Table I
Overview of Research Subjects by Country

	Japan	China	Korea
Fieldwork	Exploratory interviews (May to November 2019) In-depth interviews, questionnaire surveys, and final analyses (July to December 2021)	Exploratory interviews (October to December 2021) In-depth interviews, questionnaire surveys, and final analyses (August to December 2022)	Exploratory interviews (June to October 2021) In-depth interviews, questionnaire surveys, and final analyses (March to October 2022)
Total subjects	181	25	30
Subdivisions	171 subjects around 30 years old (average: 32 years old) (28-35) 10 middle-aged subjects (average: 46 years old) (45-48) 31 special informants (18 in Kansai, 12 in Kanto)	20 subjects around 30 years old (average: 30.4 years old) (28-35) 5 middle-aged subjects (average: 46.2 years old) (45-48) 25 special informants (all subjects)	23 subjects around 30 years old (average: 29.4 years old) (27-34) 7 middle-aged subjects (average: 47.7 years old) (45-54) 30 special informants (all subjects)
Residence areas	Keihanshin metropolitan: (Osaka City, Kyoto City, Kobe City) Greater Tokyo Area: (Tokyo, Kanagawa Pref., Chiba Pref., Saitama Pref.)	Beijing, Shanghai, Guangdong province	Gyeonggi-do, Seoul, Busan, Gyeongsangnam-do, Incheon
Length of residence	Over 4 years with a valid work permit and legal status.	Over 3 years with a valid work permit and legal status.	Over 3 years with a valid work permit and legal status.
Educational level	University degrees: 89.5% Vocational school: 10.5%	University degrees: 92.0% Vocational school: 8.0%	University degrees: 93.3% Vocational school: 6.7%
Sex	103 males (57%) 78 females (43%)	19 males (76%) 6 females (24%)	18 males (60%) 12 females (40%)

*Final comprehensive analysis (May to July 2023)

Finally, as this research is being conducted from Kyoto University in Japan, it follows the Code of Ethics of the Japanese Sociological Society (JSS)[3]. The objective and scope of the research were explained to all subjects, as well as how their privacy would be protected before their consent was obtained.

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[3] The purpose and content of this code can be found (in Japanese) at: https://jss-sociology.org/about/ethicalcodes/.

3. Results

3.1 Perception of Pre-existing Socio-Structural Tensions Before Migration

Table II offers an extensive analysis of participants' responses regarding their pre-migration perceptions of socio-structural tensions in their home countries and regions. These tensions are divided into distinct sections, each showcasing distinct perceptions and attitudes. We will now proceed to analyze each section individually.

3.1.1 Overqualification and Job-Qualification Unmatched

The "Overqualification" category focuses on respondents' perceptions of job-qualification alignment and the underutilization of their qualifications. Within the "Underutilization of qualifications" sub-category, 90.7% of participants agreed, while 2.1% disagreed and 7.2% expressed neutrality. This underscores a common sentiment that their qualifications were not fully utilized in their previous positions in their home countries. Concerning the alignment of qualifications with job roles, the majority (88.1%) strongly disagreed that their qualifications matched their former job roles, with 8.9% neutral and 3.0% in agreement. This indicates a significant disconnect between qualifications and job responsibilities as perceived by the participants. The "disillusionment" sub-category delves into the gap between career expectations and the actual professional experiences before migration. In this case, 92.4% expressed agreement, while 1.7% disagreed, and 5.9% remained neutral. This demonstrates a prevailing sense of disappointment or disconnection between their expected career paths and the reality they encountered. The following selected quote serves to exemplify this sentiment.

> "Man, I had this degree and all these skills, but my job didn't match up at all. Back home, it was like my potential was just going down the drain. You know, you see folks with degrees drivin' cabs and stuff, and it's like, what's the point?" (A17) (Male, 27, Chile) (In Japan)

In summary, the data consistently highlights dissatisfaction or incongruence between qualifications, job roles, and career expectations. Participants widely perceived the underutilization of their qualifications, a mismatch between qualifications and job roles, and misalignment between career expectations and reality. These findings underscore the challenges faced by professionals in their career trajectories within their home countries.

3.1.2 Labor Market Instability

This category delves into participants' views on labor market conditions and job security pre-migration. In the sub-category "Perceived unstable labor market," all participants unanimously agreed that the labor market lacked stability, with 8.9% expressing neutrality. The majority (91.1%) perceived the labor market in Hispanic America as uncertain and unstable. This consensus underscores the prevalent sentiment regarding the labor market's instability. Further exploration of labor market dynamics in the "Saturation of the labor market" sub-category revealed unanimous agreement on the concept of labor market saturation. A small fraction (2.5%) remained neutral, while a substantial 97.5% acknowledged the highly competitive job market in their home region, even for professionals. Regarding concerns about unemployment risk, 95% of participants disagreed, reflecting their apprehensions about job security in their home country. Another 2.5% expressed neutrality, and the same percentage agreed, indicating a diverse range of sentiments. In brief, participants consistently perceived the labor market as unstable and oversaturated, reflecting uncertainty and competitiveness. The chosen quote below showcases this aspect.

> "Dude, you had no clue if you'd still have a job the next day. Job market? It was a roller coaster you couldn't get off. It was a nightmare trying to plan your future with all that up-and-down. Even engineers, man, even engineers were struggling'. My old man was an engineer too, but back then, you got a job for life." (B10) (Male, 30, Mexico) (In China)

These findings shed light on the perspectives of the participants regarding labor market conditions and job security. They reveal the intricate interplay of perceptions and attitudes that influence their career and employment choices.

3.1.3 Nepotism and Corruption

This category encompasses participants' perceptions and attitudes regarding nepotism, corruption, and their trust in democratic systems in their home countries. In the "Corruption in political system" sub-category, none of the participants disagreed with the presence of corruption within their political systems. A small percentage (5.9%) remained neutral, while the majority (94.1%) agreed that corruption is prevalent. This high level of agreement highlights the widespread concern regarding corruption in the political landscape. Transitioning to "Nepotism

in the labor market," no respondents disagreed with the existence of nepotism. A minority (3.8%) expressed neutrality, while most (96.2%) agreed with the prevalence of nepotism in employment. This consensus reflects their perception of personal connections playing a role in hiring practices. In the "Confidence in democracy's efficacy" category, a significant 77.97% of participants disagreed with having confidence in the effectiveness of democracy. Additionally, 17.37% expressed neutrality, while a smaller portion (4.66%) agreed with the statement. This skepticism and lack of confidence indicate a complex perspective on the efficacy of democratic governance. This sentiment is evident in the chosen quote below.

> "Getting a good gig was all about who you knew, not what you could do. It's crazy frustrating. Like, all these talented people getting' pushed to the side 'cause someone's cousin knows the boss. Our countries are messed up, honestly." (C10) (Male, 31, Colombia) (In South Korea)

To summarize, participants largely acknowledge the presence of corruption and nepotism in their political and labor systems, revealing their awareness of these challenges. Notably, the majority exhibit skepticism about the effectiveness of democratic systems, offering nuanced insight into their attitudes toward governance, societal, and political aspects.

3.1.4 West-West Migration Issues

This final category sheds light on participants' perceptions regarding specific issues related to traditional migration patterns to developed countries in the northwestern hemisphere. In the "Belief in an 'American or European Dream'" sub-category, 81% of the participants disagreed with the concept of the "American or European Dream," while 16.5% remained neutral, and only 2.5% agreed with the concept. Moving to "Excessive prejudices in western nations," none of the respondents disagreed with the notion that Western nations harbor excessive prejudices against Hispano-American immigrants. A substantial portion (8.9%) expressed neutrality, while 91.1% agreed with the perception of Western nations holding significant prejudices. Finally, in the "Excessive immigration in western nations" sub-category, no respondents disagreed with the idea of excessive immigration in Western nations. A notable percentage (8.1%) expressed neutrality, and 91.9% agreed with the notion of Western nations facing an excessive influx of immigrants. This notion becomes apparent from the quote provided below.

"That whole 'American Dream' thing? Nah, never bought into it. People think it's all rosy over there, but trust me, you find issues once you're in or start diggin' around. It's not as amazing as it looks, and there's just so many immigrants making' bad moves that our rep's taken a hit. And Europe, it's changing so much with all those Muslim and African folks." (B2) (Female, 28, Argentina) (In China)

To sum up, this last category provides insights into participants' perspectives on migration-related issues in the Western world. Many express skepticisms regarding the "American or European Dream," indicating nuanced views on migration benefits. Additionally, participants largely agree with the perceptions of excessive prejudices and immigration in Western nations. These agreements highlight the perceived immigration challenges in Western nations, influencing participants' attitudes towards migration to East Asia.

Table II
Pre-existing Socio-Structural Tensions Perception Before Migration

		n=236					
		Disagree		Neutral		Agree	
		f	%	f	%	f	%
Overqualification	Underutilization of qualifications	5	2.1%	17	7.2%	214	90.7%
	Job-Qualification match	208	88.1%	21	8.9%	7	3.0%
	Disillusionment (Career expectations vs. reality)	4	1.7%	14	5.9%	218	92.4%
Unstability Labor	Perceived unstable labor market	0	0.0%	21	8.9%	215	91.1%
	Saturation of the labor market	0	0.0%	6	2.5%	230	97.5%
	No concerns about unemployment	224	95%	6	2.5%	6	2.5%
Nepotism and Corruption	Corruption in political system	0	0.0%	14	5.9%	222	94.1%
	Nepotism in the labor market	0	0.0%	9	3.8%	227	96.2%
	Confidence in democracy's efficacy	184	77.97%	41	17.37%	11	4.66%
West-West Migration Issues	Belief in an "American or European Dream"	191	81%	39	16.5%	6	2.5%
	Excessive prejudices in western nations	0	0.0%	21	8.9%	215	91.1%
	Excessive immigration in western nations	0	0.0%	19	8.1%	217	91.9%

*"n" = total participants

**"f" = frequency of respondents within each compressed response category.

***The original survey scale included options from Strongly Disagree to Strongly Agree. However, for simplicity and readability, responses have been condensed into Disagree, Neutral, and Agree

3.2 Expected Migration Outcomes

Table III provides a comprehensive summary of participants' expectations and priorities for their anticipated outcomes upon migrating to the selected country. Double answers were allowed to establish a hierarchy of primary and secondary expectations, offering nuanced insights into participants' responses.

3.2.1 Economic Expectations

In the "Professional growth" sub-category, 6.8% of participants view migration primarily as a pathway to professional advancement. As for secondary expectations, a noteworthy percentage (22.5%) regards professional growth as important, underscoring its lasting significance. Furthermore, 3.0% of respondents mention "Financial security" as their primary migration expectation, suggesting that a minority perceives migration as primarily a means of achieving economic stability. Looking at secondary expectations, a higher proportion (24.6%) regards financial security as an essential outcome, emphasizing its continued relevance in participants' considerations. Lastly, within the "Improved quality of life" sub-category, 3.0% of participants prioritize an enhanced quality of life as their primary migration expectation, emphasizing that some individuals see migration as a means to improve their overall well-being. Concerning secondary expectations, 7.6% consider an improved quality of life significant, indicating its lasting appeal. The chosen quote below showcases this aspect.

> "I wanted a better job, a better life. It wasn't just about money, you know? I wanted chances I couldn't find here. I wanted to push myself and see how far I could take it. I was lookin' for some redemption from all the mess I'd seen back home." (C11) (Female, 31, Guatemala) (In South Korea)

In summary, participants exhibit diverse motivations for migration, with a subset valuing professional growth, financial security, and improved quality of life. These findings reveal the multifaceted nature of migration expectations, hinting at a primary expectation beyond mere economic factors. This complexity underscores the intricacies of individuals' aspirations when contemplating relocation.

3.2.2 Socio-Cultural Expectations

In the "Experience life in the chosen destination" sub-category, a significant majority (75.4%) of participants identified this as their primary migration expectation, indicating a desire for personal growth and cultural enrichment. As a secondary expectation, 23.7% still considered the experience of life in their chosen destination important, emphasizing the lasting appeal of embracing a new cultural context. In the "Enhanced safety and security" sub-category, 5.9% of respondents selected this as their primary migration expectation, suggesting migration as a response to perceived insecurity. As a secondary expectation, 14.0% prioritized

safety and security, underscoring its ongoing significance in participants' decisions. Lastly, 3.8% of participants identified "Relationship fulfillment" as their primary migration expectation, referring to marriage and long-distance internet romantic relationships. This minority anticipates positive impacts on their romantic relationships due to migration, with only one participant (0.4%) considering it a secondary expectation. This sentiment is evident in the chosen quote below.

> "I was lookin' to live life in a fresh spot, learn new things, and open up my world. It's not just punchin' the clock; it's 'bout growin' as a person and understandin' different walks of life. And let's get real, man, it's Japan we're talkin' 'bout. I mean, I'm down to explore other countries, but to actually live? Japan's the deal." (A2) (Male, 33, Chile) (In Japan)

In brief, participants' primary focus is on immersing themselves in their chosen destination, experiencing a new way of life, and seeking enhanced safety and security. This analysis highlights the diverse nature of migration expectations, which encompass not only economic benefits but also personal and cultural enrichment through the migration journey.

3.2.3 Politics related expectations

In this domain, the sole sub-category identified was "Enhanced political stability." Only 2.1% of participants selected this as their primary migration expectation, indicating that a minority seeks politically stable environments to minimize the impact of political volatility on their personal and professional lives. As a secondary expectation, 7.2% of participants still considered enhanced political stability significant in their migration decision, highlighting its relevance even though it's not the primary concern for the majority. While it may not be a prevailing consideration, political stability holds importance for a subset of participants when choosing their migration destination. The selected quote below illustrates this point.

> "I was huntin' for a stable place, you know? Somewhere I could grind on my career without all the political chaos and its consecuences messin' with my head. Just needed a solid base to work from." (B20) (Male, 35, Peru) (In China)

Table III

Expected Relocation Outcomes

	Expectations	Primary n=236		Secondary n=236	
		f	%	f	%
Economic	Professional growth	16	6.8%	53	22.5%
	Financial security	7	3.0%	58	24.6%
	Improved quality of life	7	3.0%	18	7.6%
Socio-Cultural	Experience life in chosen destination	178	75.4%	56	23.7%
	Enhanced safety and security	14	5.9%	33	14.0%
	Relationship fulfillment	9	3.8%	1	0.4%
Political	Enhanced political stability	5	2.1%	17	7.2%

*"n" = total participants

**"f" = frequency of respondents within each compressed response category.

In conclusion, the findings underscore the distinct roles played by economic, socio-cultural, and political factors in shaping participants' anticipated outcomes. They highlight that, while economic aspirations are important, participants also prioritize experiences in their chosen destination and consider safety and security. Furthermore, while not a primary concern for most, some participants are influenced by the desire for enhanced political stability. These sub-categories are closely tied to the highly positive image constructed about the destination countries, as noted in previous research (Piffaut Gálvez, 2023b; 2023c), which strengthens the bond with the destination prior to migration. In essence, this examination underscores the multifaceted nature of participants' expectations and priorities in the context of migration.

3.3 Migration Profiles

Diversity characterizes migration trajectories and each migrant's path is unique. Despite this individuality, shared trends can be organized into profiles or itineraries to enhance comprehensibility (De Coninck & Godard, 1990). Table IV outlines four profiles: former international postgraduate students, professionals with job offers, other types of former international student, and love-driven migrants. All these profiles represent the first migratory movement they made, their first step into living and working as professionals.

3.3.1. Former international postgraduate students:

This profile represents 14.8% of the participants, showing a substantial number who initiated their migration journey through postgraduate education in the

destination country, reflecting both academic and professional mobility. More specifically, 13.1% of the total sample completed a master's degree, while 1.7% obtained a PhD. Analyzing the distribution within each country subset reveals nuanced differences. Among former international postgraduate students in Japan, 12.7% pursued master's degrees and 1.7% pursued PhDs. In China, these percentages are 11.0% for master's degrees and 1.7% for PhDs. South Korea, on the other hand, has a higher percentage of participants (24.0%) pursuing master's degrees, with no PhDs.

These variations highlight diverse educational pathways among professional Hispano-Americans across the subset of countries. While master's degrees are the predominant choice, South Korea stands out as a nation where this route is particularly common. This analysis emphasizes the crucial role of academic mobility in the initial phase of immigration. The selected quote below illustrates this point.

> "PhD was the way in for me. Education was my golden ticket to a fresh start, and it played out smooth. It wasn't just textbooks; it was my shot at a brighter future with more doors open. Plus, in these countries, they're pickier, so international education became the means to an end." (A3) (Male, 35, Mexico) (In Japan)

3.3.2. Professionals with job offers:

This profile represents 21.6% of the total participants, emphasizing professional Hispano-Americans who obtained job offers before migrating. This signifies a significant portion of respondents who had pre-arranged employment, highlighting their career mobility and global outlook. Among this group, the majority (17.4%) actively sought job opportunities independently, demonstrating their proactive approach to exploring new career prospects. Additionally, a subset (4.2%) relocated for their jobs, often as former employees of transnational or international companies in their home countries, with ties to their desired destination.

Analyzing subset distributions for each country reveals distinctive migratory patterns. In Japan, 21.5% of respondents received job offers, with 3.3% relocating for their jobs and 18.2% engaging in autonomous job searching. In South Korea, 33.4% received job offers, with 26.7% opting for autonomous job searching and 6.7% being relocated by a company. This indicates a preference for independent job searching over relocating for specific job positions. In contrast, China presents a unique dynamic, with 8.0% receiving job offers, all of which involved relocation, despite a similar sample size to South Korea. The situation is reflected in the following selected quote.

"I had a job lined up, so it was a no-brainer. Wanted a fresh hustle and here was my shot. Jumping in meant more than just career moves; it meant growing on a personal level too. And, I'm seriously thankful for the internet era, 'cause LinkedIn got me talkin' to recruiters in Japan!" (A25) (Male, 31, Chile) (In Japan)

3.3.3. Other types of former international student:

This profile is the most common, representing 59.3% of the participants. Notably, 40.3% of them enrolled in language schools, highlighting the popularity of these institutions for improving language skills and cultural integration. This choice reflects their strong desire for a transformative life experience in the destination country. Additionally, intern-training programs were significant (19.0%), indicating a willingness to participate in training and internships abroad to acquire practical skills and facilitate professional integration in the host country.

In Japan's sub-set, 63.0% of participants fall into this category, with 42.5% attending language schools and 20.5% participating in intern-training programs. China exhibits a similar pattern, with 52.0% of participants in this category—44.0% attending language schools and 8.0% engaging in intern-training programs. South Korea's subset includes 43.3% in this category, with 23.3% attending language schools and 20.0% participating in intern-training programs. The selected quote below illustrates this trend.

"I kicked off with a language school to wrap my head 'round the language and the culture. It wasn't just about work; I was lookin' for a whole new experience, a chance to dive into somethin' different. But hey, the skills I picked up? They're helpin' me do my job." (A10) (Female, 30, Mexico) (In Japan)

The data highlights the preference for language schools and intern-training programs as common pathways for international migration and professional integration. Differences observed across the country subsets reveal nuanced migration preferences and opportunities, providing insights into the choices made by respondents from Japan, China, and South Korea.

3.3.4. Love-Driven migrant:

Overall distribution reveals a minority profile, constituting only 4.2% of participants (10 out of 236 individuals). This profile represents individuals who migrated due to long-distance virtual romantic relationships and formal marriages. Notably, all these cases involve Hispano-American males and females of Japanese,

Chinese, or Korean nationality. This underscores the significant influence of love and personal connections on decisions regarding international migration. A more in-depth analysis reveals that marriage is a prominent factor (2.5%) within this subset. These respondents migrated to maintain marital relationships as their partners sought to return to their home countries. Additionally, long-distance internet romance motivated 1.7% of participants, with these individuals initially engaging in romantic relationships through online platforms, often as language partners, which eventually led to migration and in-person encounters. Importantly, all such cases have maintained their relationships even after years of migration.

Table IV
Immigration profiles of professional hispanic-americans

Migratory Profiles	Total distribution		Subsets distribution					
			Japan		China		South Korea	
	n=236		n=181		n=25		n=30	
	f	%	f	%	f	%	f	%
Former international postgraduate students	35	14.8%	23	12.7%	7	28.0%	5	16.7%
Masters degree	31	13.1%	20	11.0%	6	24.0%	5	16.7%
PhD.	4	1.7%	3	1.7%	1	4.0%	0	0.0%
Professionals with job offers	51	21.6%	39	21.5%	2	8.0%	10	33.4%
Job relocation	10	4.2%	6	3.3%	2	8.0%	2	6.7%
Autonomous job searching	41	17.4%	33	18.2%	0	0.0%	8	26.7%
Other former international students	140	59.3%	114	63.0%	13	52.0%	13	43.3%
Language schools	95	40.3%	77	42.5%	11	44.0%	7	23.3%
Intern-training programs	45	19.0%	37	20.5%	2	8.0%	6	20.0%
Love-Driven	10	4.2%	5	2.8%	3	12.0%	2	6.6%
Marriage	6	2.5%	2	1.1%	3	12.0%	1	3.3%
Internet romance	4	1.7%	3	1.7%	0	0.0%	1	3.3%

*"n" = total participants

**"f" = frequency of respondents within each compressed response category.

Analyzing the sub-sets, 2.8% of respondents in Japan fall into the love-driven category, comprising 1.1% married couples and 1.7% engaged in internet romance. In South Korea, this category is more prominent, accounting for 6.6% of respondents, with 3.3% migrating due to marriage and an additional 3.3% due to internet romance. In contrast, in China, all love-driven immigrants were married, constituting 12.0% of the participants. This profile aligns with the overarching "love migrants' model" (Roca et al., 2012; Roca, 2007), characterized by romantic love taking precedence over material interests. However, a gender shift is evident in these instances compared to previous studies, as women from developed regions are now receiving men from underdeveloped regions. As the following quote illustrate.

"Moved across the map for love. It wasn't a walk in the park, but it was worth it, no doubt. Our bond got tighter through all the changes, and it's wild how love can make you take such a massive leap. We kicked off with a long-distance thing, sharin' interest in each other's culture and language. I mean, what's better than a relationship where you both talk each other language?" (C2) (Male, 29, Mexico) (In South Korea)

The next section will synthesize these findings by explaining them within the theoretical framework of this research.

3.4. Synthesis

The neoclassical migration perspective's one-dimensional rationality fails to fully grasp the complexities of skilled individuals' mobility (Pellegrino, 2001). This oversimplification ignores the interplay of factors, especially in Latin America, where socio-political conditions significantly influence emigration trends. Socio-structural tensions influence international emigration within the socio-cultural and economic framework of Hispano-American societies, aligning with Bourdieu's concept of "hysteresis" (Hardy, 2014). These tensions represent factors leading to expulsion, disrupting the alignment of ingrained individual trajectories with possibilities within a given social space. Three key tensions emerge.

First, the discrepancy between the educational system and occupational structure triggers the willingness of qualified individuals to emigrate due to the gap between educational system development and the labor market's capacity to absorb it (Filgueira, 1976). Migration to economically developed countries isn't solely driven by economic necessity, as suggested by Pellegrino (2001). Participants' narratives mirror this tension, leading to unemployment, underemployment, and flexible work arrangements. These are fueled by the oversupply of educated professionals in the job market and even a lack of industries (Burgos & López, 2010).

Secondly, nepotism and insecurity act as impediments. The widespread perception of corruption and insecurity in Hispanic-American societies, supported by empirical data from Transparency International (2023), cultivates skepticism toward the political system. Corruption fosters disillusionment and motivates emigration as individuals aspire to a better life. These tensions disrupt familial upward mobility and intensify disillusionment. Insecurity and violence, although indirectly, lead to fear and mistrust, creating apprehension in society at large.

Third, a deviation from traditional migration routes. Tensions exist, compelling a segment of skilled Hispano-Americans to intentionally deviate from

conventional migration routes to the United States or Europe. In Bourdieu's terms, this represents a shift from an existing disposition (Bourdieu, 1998) to a new one. Educational attainment plays a significant role in shaping this deviation, challenging the historical trend of economic migration. Discrimination and prejudice in traditional Western destinations further accentuate this distinction, motivating migration beyond the Western world.

Expectations around migration are deeply entwined with insights from socio-structural tensions, revealing a complex interplay of economic, socio-cultural, and political forces that shape migration aspirations. Initially, economic factors such as "Professional growth," "Financial security," and "Improved quality of life" mirror the gap between educational system development and occupational opportunities in the Hispano-American region. This disparity between educational attainment and job prospects motivates professionals to seek better opportunities. Subsequently, the desire for "Enhanced safety and security" and "Enhanced political stability" resonates with the challenges of nepotism and insecurity hindering professional and national development. Corruption, insecurity, and violence impact the region, prompting professionals to seek improved living conditions elsewhere. Finally, these issues potentially find a solution in the expectation to "Experience life in the chosen destination," which is connected to a highly positive image of the destination countries (Piffaut Gálvez, 2023b; 2023c), rooted in pre-existing (pre-migration) bonds with their desired destination. These expectations align with the desire to deviate from traditional migration to avoid perceived prejudice and achieve better integration.

Furthermore, these aligned expectations converge with multifaceted opportunities, giving rise to a new sense of purpose that surpasses previous alternatives. Constructive narratives reinforce the drive to fulfill these expectations. Ultimately, these expectations, which offer alternatives to pre-migratory tensions, guide distinct migration movements, aligning with the profiles outlined in this study. Amid diverse migration trajectories, common trends emerge, enhancing comprehensibility (De Coninck & Godard, 1990).

In summary, migration expectations, influenced by socio-structural tensions, guide specific migration trajectories that align with the identified profiles. All of this culminates in a pursuit that empowers them to ultimately work as professionals in fields that they find compelling and well-matched to their qualifications.

4. Limitations and Future Research

First, this comprehensive descriptive study aims to highlight commonalities across diverse cases and summarize data from a substantial number of participants across three countries. However, a more qualitative approach, focused on in-depth narrative data, could provide deeper insights into each profile and its individuals. Second, this research focused on migration expectations. Future research should explore post-migration satisfaction, examining how individuals' satisfaction aligns with their expectations after migration. Finally, this research doesn't cover socio-cultural and psychological integration. Ongoing research is addressing these aspects with the same participant cohort, but it will be presented on a per-country basis due to length constraints.

5. Conclusion

This study provides a comprehensive investigation into the social processes that shape the migratory trajectories of professional Hispano-Americans in East Asia, specifically Japan, China, and South Korea. The conclusions are in line with the study's objectives, which include exploring social tensions, migration motivations, and migration profiles, while also reflecting on the research process.

Analyzing socio-structural tensions in the Hispano-American region highlights the importance of the hysteresis concept, which explains the gap between individuals' expectations and opportunities. These tensions serve various roles, motivating migration or leading to independent trajectories like romantic relationships or secured job transfers. Integration challenges in the Hispano-American labor market drive participants to seek better opportunities abroad due to competition, labor deregulation, and unemployment risk. Disillusionment with socio-political conditions, including corruption, nepotism, and insecurity, is a prominent driver of migration as well. These disconnections between dispositions and realities fuels the decision to migrate.

Professional Hispano-Americans are diversifying their migration destinations due to challenges in traditional alternatives. Their expectations for migration go beyond purely economic considerations, signaling a deviation from established migration patterns influenced by perceptions of the current state of affairs in both their home and destination countries. Migration expectations encompass emotional,

professional, and non-economic factors, and the representations of destination countries align with stability and security, reflecting new opportunities.

Migration profiles integrate tensions and expectations, revealing the interplay of motivations and circumstances. No conventional economic immigrant profiles emerged in this study. Nevertheless, the research also identifies profiles independent of socio-structural tensions, primarily driven by personal affection. These findings contribute to our understanding of migration complexities, with an emphasis on the concept of habitus hysteresis. Migration decisions are multifaceted. Further research is needed to delve deeper into the identified profiles for a more in-depth qualitative understanding.

Lastly, in conclusion, the study discusses methodological approaches. The employment of grounded theory enabled the exploration of both larger societal trends and individual-level experiences, facilitating a deeper understanding of the research subjects over time. Nonetheless, the study recognizes the need for further research to thoroughly investigate each of the identified profiles within each country, thereby achieving a more comprehensive understanding of migration patterns. In the end, this study enhances the sociological understanding of migration as an intricate process shaped by an array of interconnected factors in the lives of the immigrants themselves.

References

Akashi, Jun'ichi. 2010. "Nyūkoku Kanri Seisaku: ''1990-nen Seisaku'' no Seiritsu to Tenkai." [Immigration Policy: Establishment and Development of the '1990 System'] Nakanishiya Shuppan.

Archer, Margaret S. 2009. "Teoría social realista: el enfoque morfogenético." Santiago: Ediciones Universidad Alberto Hurtado.

Bourdieu, Pierre. 1998. "Practical reason: On the theory of action." Stanford University Press.

Bourdieu, Pierre. 2000. "Pascalian meditations." Stanford University Press.

Bourdieu, Pierre. 2011. "Las estrategias de la reproducción social." Buenos Aires: Siglo Veintiuno Editores.

Burgos Flores, Benjamín, and Karla López Montes. 2010. "La situación del mercado laboral de profesionistas." Revista de la Educación superior, XXXIX (156), 19–33.

Cai, Xiaomei, and Xiaobo Su. 2021. "Dwelling-in-travelling: Western Expats and the Making of Temporary Home in Guangzhou, China." Journal of Ethnic and Migration Studies 47 (12): 2815–2832.

Carling, Jørgen, and Heidi Østbø Haugen. 2021. "Circumstantial Migration: How Gambian Journeys to China Enrich Migration Theory." Journal of Ethnic and Migration Studies 47 (12): 2778–2795.

Choi, Jinsook. 2017. "Latin American Immigrants' Adaptation Experiences in Korea: Cases of Migrant Workers with Professions in Culture and Entertainment Sectors." Asian Social Science 13(12):1–8

Chung, Erin Aeran. 2020. "Immigrant incorporation in East Asian democracies." Cambridge University Press.

Colic-Peisker, Val. 2010. "Free floating in the cosmopolis? Exploring the identity-belonging of transnational knowledge workers." Global networks 10(4):467–488.

Cranston, Sophie. 2016. "Imagining global work: Producing understandings of difference in 'easy Asia'." Geoforum 70:60–68.

DESA. 1998. United Nations, Department of Economic and Social Affairs. Recommendations on Statistics of International Migration, Revision 1. p.10.

De Coninck, Frédéric, and Francis Godard. 1990. "El enfoque biográfico a prueba de interpretaciones." Revue française de sociologie, 31, 23–53.

Diossa Jiménez, Leydy Jhohana. 2012. "Histéresis del habitus y Prácticas migratorias transnacionales: Orígenes de la Migración de colombianos a Los Ángeles 1960-2010." Sociology master thesis, Universidad Nacional de Colombia.

Feng, Dan, Hong Zhu, and Yihan Wang. 2021. "Agency and Mobility in the Context of Development-Induced Migration: The Case of Three Gorges Out-Migrants." Journal of Ethnic and Migration Studies 47 (12): 2745–2759.

Filgueira, Carlos. 1976. "Predisposición migratoria. La situación de egresados profesionales." Centro de Informaciones y Estudios del Uruguay (CIESU), 5.

Glaser, Barney, and Anselm Strauss. 2017. "Discovery of grounded theory: Strategies for qualitative research." Routledge.

Hardy, Cheryl. 2014. "Hysteresis." In Grenfell, M. J. (Ed.). (2014) (First ed., pp. 126–148). Pierre Bourdieu: key concepts. Routledge.

Hashimoto, Yuki., 2017, "Highly Skilled Immigrants' Occupational Choices and the Japanese Employment System." RIETI Discussion Paper Series （17-E-059）: 1-33. Heath, A. F., C.

Higuchi, Naoto. 2010a. "Toshi Esunisiti Kenkyū no Saikōchiku ni Mukete—Toshi Shakai Gakusha wa Nani o Minai Dekita no ka." [Toward a Reconstruction of Urban Ethnic Studies: A Critique]. Nenpō Shakaigakuron-shū 2010 (23): 153-64.

Higuchi, Naoto. 2010b. "Tabunka Kyōsei Saikō—Pōsuto Kyōsei ni Muketa Shiron." [Reconsidering Multicultural Coexistence: An Attempt Towards Post-Coexistence]. Ōsaka Keizaihōka Daigaku Ajia Taiheiyō Kenkyū Sentā Nenpō (7): 3-10.

IOM. 2022. World Migration Report 2022. International Organization for Migration (IOM), McAuliffe, M. & A. Triandafyllidou eds., Geneva.

Immigration Bureau, Ministry of Justice, 1949a-2018a, "Immigration Statistics Annual Report." Immigration Bureau, Ministry of Justice, Japan.

International Monetary Fund, World Economic Outlook Database, April 2023. Retrieved 10 June 2023.

Japanese Sociological Society (JSS). "Code of Ethics." https://jss-sociology.org/about/ethicalcodes/. Accessed February 17, 2023.

Joo, Jong-Taick. 2012. "Migration processes and sociocultural adaptation of Latin American migrant workers in Korea and Japan." Asian Journal of Latin American Studies 25(1):113–143.

Jordan, Lucy, Hoang, A.P., Chui, C.H.K., Wang, W., & Mazzucato, V. 2021. "Multiple Precarity and Intimate Family Life among African-Chinese Families in Guangzhou." Journal of Ethnic and Migration Studies 47 (12): 2796–2814.

KIS (Korean Immigration Service). 2019. "National Statistical Data December 2019 Report". http://viewer.moj.go.kr/skin/doc.html?rs=/result/bbs/227&fn=temp_1581918117248100. (Accessed July 10, 2023)

Kamibayashi, Chieko. 2015. "Gaikokujin Rōdōsha Ukeire to Nihon Shakai: Ginō Jisshū Seido no Tenkai to Jirenma." [Acceptance of Foreign Workers and Japanese Society: Development and Dilemma of the Technical Intern Training Program]. Tōkyō Daigaku Shuppankai.

Kim, Andrew Eungi. 2009. "Global migration and South Korea: Foreign workers, foreign brides and the making of a multicultural society." Ethnic and Racial Studies 32(1):70–92.

Komai, Hiroshi. 2015. "Nihon ni Okeru 'Immin Shakai Gaku' no Imin Seisaku ni Taisuru Kōkendoryoku." [How Sociological Migration Researches Contribute Migration Policies in Japan]. Shakaigaku Hyōron 66 (2): 188-203.

Korekawa, Yū. 2018. "Nihon ni Okeru Kokusai Jinkō Idō Tenkan to Sono Chūchōteki Tenbō—Nihon Tokushu-ron o Koete." [Migration Transition in Japan and Its Mid- to Long-term Consequence: Beyond the Japanese Exceptionalism]. Imin Seisaku Kenkyū 10: 13-28.

Kort, Michael. 2005. "The Handbook of East Asia." Lerner Publishing Group.

Krippendorff, Klaus. 2018. "Content analysis: An introduction to its methodology." Sage publications.

Lacomba, Joan. 2001. "Teorías y prácticas de la inmigración. De los modelos explicativos a los relatos y proyectos migratorios." Scripta Nova. Revista Electrónica de Geografía y Ciencias Sociales., 94(11).

Lacomba, Joan. 2012. "Reseña de "La doble ausencia: De las ilusiones del emigrado, a los padecimientos del inmigrado" de Abdelmalek Sayad." Migraciones internacionales 6.4 (2012): 285-289.

Li, Wei, Lo, L., Lu, Y., Tan, Y., & Lu, Z. 2021. "Intellectual Migration: Considering China." Journal of Ethnic and Migration Studies 47 (12): 2833–2853.

Liu, Ye., Li, Z.G., Liu, Y.Q., & Chen, H.S. 2015. "Growth of Rural Migrant Enclaves in Guangzhou, China: Agency, Everyday Practice and Social Mobility." Urban Studies 52 (16): 3086–3105.

MacDonald, Scott B.; Lemco, Jonathan. 2011. "Asia's Rise in the 21st Century." Praeger (published October 20, 2011)

Maeda, Hitomi. 2006. "The Social Integration of Nikkei Brazilian Immigrants: A Japanese Case Study." University of Minnesota.

Mellenbergh, Gideon. 2008. "Chapter 10: Tests and Questionnaires: Construction and Administration." In *Advising on Research Methods: A consultant's companion*, edited by Hermanus Johannes Adèr, 211–236. The Netherlands: Johannes van Kessel Publishing.

Ong, Ai-hwa. 2011. "Introduction: Worlding Cities, or the Art of Being Global." In Worlding Cities: Asian Experiments and the Art of Being Global, 1–26. Oxford, UK: Wiley-Blackwell.

Orejuela, Johnny J., Lina Zuriany Fernandez, and Marcela Maria Coy. 2008. "Trayectorias laborales y relacionales de los profesionales insertos en mercados globales a través de empresas multinacionales (EMN) con presencia en la ciudad de Cali, Colombia." Revista Científica Guillermo de Ockham, 6(2), 69–80.

Park, Albert, Fang Cai, and Yang Du. 2010. "Can China meet its employment challenges?. Growing Pains: Tensions and Opportunity in China's Transformation." Stanford, CA: Asia-Pacific Research Center, Stanford University, 27-55.

Pellegrino, Adela. 2001. "¿Drenaje o éxodo? Reflexiones sobre la migración calificada." Montevideo: Universidad de la República de Uruguay, Facultad de Ciencias Sociales – Programa Población.

Piffaut Gálvez, Marcelo Alejandro. 2023a. "Zainichi hi nikkei isupanoamerika hito no burakkuyūmoa— toransunashonaruna shakai-teki sōgo sayō e no eikyō—." [Black Humor among Non-Nikkei Hispano-Americans in Japan: Its Influence on Transnational Social Interactions]. Kyōiku shakai bunka: Kenkyū kiyō, 23, 1–13.

Piffaut Gálvez, Marcelo Alejandro. 2023b. "Professional Hispano-American immigrants in South Korea: A case study of the influence of Korean mass media on Generation Y immigration motivation." Journal of Identity and Migration Studies 17(1): pp.2-20

Piffaut Gálvez, Marcelo Alejandro. 2023c. "Zainichi Hi-Nikkei Isupanoamerikajin to Nihon Eizō Bunka—Eizō Bunka ga Imin dōkitsuke ni Oyobosu Eikyōryoku ni Tsuite no Kōsatsu—" [Non-Nikkei Hispano-Americans in Japan and Japanese Visual Culture: Consideration of the Influence of Visual Culture on Immigration Motivation]. Kyoto Daigaku Daigakuin Kyōikugaku Kenkyū-ka Kiyō 69: 95-108.

Pun, Ngai. 2016. "Migrant Labor in China: Post-Socialist Transformations." Cambridge: Polity.

Qi, Jing. 2021. "How China has been transforming international education to become a leading host of students." The Conversation, May 12, 2021. https://theconversation.com/how-china-has-been-transforming-international-education-to-become-a-leading-host-of-students-157241.

Qian, Junxi, and Eric Florence. 2021. "Migrant Worker Museums in China: Public Cultures of Migrant Labour in State and Grassroots Initiatives." Journal of Ethnic and Migration Studies, 47(12), 2706–2724.

Roca Girona, Jordi, Montserrrat Soronellas Masdeu, and Yolanda Bodoque Puerta. 2012. "Migraciones por amor: diversidad y complejidad de las migraciones de mujeres." Papers: Revista de sociologia, 97(3), 685–708.

Roca Girona, Jordi. 2007. "Migrantes por amor. La búsqueda y formación de parejas transnacionales." AIBR. Revista de Antropología Iberoamericana, 2(3), 430–458.

Sun, Wanning. 2014. "Subaltern China: Rural Migrants, Media and Cultural Practices." Lanham. ML: Rowman & Littlefield.

Takenaka, Ayumi, Makiko Nakamuro, and Kenji Ishida. 2016. "Negative Assimilation: How Immigrants Experience Economic Mobility in Japan." International Migration Review, 50（2）: 506-33.

Takenaka, Ayumi. 2005. "Paradoxes of ethnicity-based immigration: Peruvian and Japanese-Peruvian migrants in Japan." In Goodman, R. Peach, C. Takenaka, A. and White, P. Global Japan: The Experience of Japan's New Immigrant and Overseas Communities. 234–248. London: Routledge.

Takenoshita, Hirohisa. 2006. "The Differential Incorporation into Japanese Labor Market: A Comparative Study of Japanese Brazilians and Professional Chinese Migrants." The Japanese Journal of Population, 4（1）: 56-77.

Takenoshita, Hirohisa. 2013. "Labour Market Flexibilisation and the Disadvantages of Immigrant Employment: Japanese-Brazilian Immigrants in Japan." Journal of Ethnic and Migration Studies, 39（7）: 1177-95.

Taylor, Steven J., Robert Bogdan, and Marjorie DeVault. 2015. "Introduction to Qualitative Research Methods: A Guidebook and Resource." New Jersey: John Wiley & Sons.

Torres Martínez, Rubén. 2016. "Sobre el concepto de América Latina ¿Invención francesa?" Cahiers d'études romanes. Revue du CAER, 32, 89–98.

Transparency International. Corruption Perceptions Index (latest). Retrieved 31 January 2023.

Tsuda, Takeyuki. 2003. "Strangers in the Ethnic Homeland: Japanese Brazilian Return Migration in Transnational Perspective." Columbia University Press.

Tsuda, Takeyuki. 2022. "Racism without racial difference? Co-ethnic racism and national hierarchies among Nikkeijin ethnic return migrants in Japan." Ethnic and Racial Studies 45(4):595–615.

Urbanski, Edmund. 1978. "Hispanic America and Its Civilization: Spanish Americans and Anglo-Americans." University of Oklahoma Press.

Yoshimatsu, Hidetaka. 2014. "Comparing Institution-Building in East Asia: Power Politics, Governance, and Critical Junctures." Palgrave Macmillan.

Yun, Jungha, Kim, C. Y., Son, S. H., Bae, C. W., Choi, Y. S., & Chung, S. H. 2022. "Birth rate transition in the Republic of Korea: trends and prospects." Journal of Korean Medical Science, 37(42).

Zhu, Guobin, and Rohan Price. 2013. "Chinese immigration law and policy: a case of change your direction, or end up where you are heading." Colum. J. Asian L., 26, 1.

Refugee Mental Health during the Asylum Waiting Process: A Qualitative Study of Turkish and Canadian Contexts

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Abstract. While the literature suggests that forced migration negatively affects mental health, fewer studies focus on the mental health of refugee claimants waiting to be granted asylum. In addition, despite the high numbers of refugee claimants in the Global South, fewer studies compare refugee experiences globally. This study attempts to fill these gaps by addressing the mental health of refugee claimants from Iran during the asylum waiting process. Focusing on the Turkish and Canadian contexts, this study asks the following questions: How does the waiting process affect Iranian refugees' mental health and wellbeing? How do their lived experiences of mental health and wellbeing differ based on the country of temporary asylum? In-depth interviews were conducted with 15 Iranian refugees. Nine of them spent their waiting process in Türkiye, and six others spent it in Canada. The analysis results showed that the waiting process is characterized by a sense of temporariness, lack of belonging, precarity, and uncertainty of the future, which lead to adverse mental health outcomes.

Keywords: *Iranian refugees, mental health, refugees in Canada, asylum waiting process*

Introduction

Canada is commonly known and represented as a welcoming country for refugees (UNHCR Canada 2019) as well as one of the major countries of refugee resettlement (Labman 2019). However, most refugees seek asylum in their country's neighbors first (Moore and Shellman 2006), resulting in Türkiye being the host of the largest refugee population globally (European Commission 2021). Most of the refugees in Türkiye are temporary asylum seekers, who are referred to a third country by the United Nations Refugee Agency (UNHCR) once their refugee status is granted (Baban, Ilcan, and Rygiel 2017). The process of waiting for status determination and resettlement can last five years or longer. (Loyd, Ehrkamp, and Secor 2018). Many of those who spent a waiting process in Türkiye become resettled in Canada (Labman 2019; Loyd, Ehrkamp, and Secor 2018) as government-sponsored refugees (Government of Canada, n.d.). Those who apply for a refugee status directly in Canada also spend a waiting process as refugee claimants, before being granted a

permanent status by the Immigration and Refugee Board (UNHCR Canada 2019). While in general these periods are characterized by uncertainty and limbo (Baban, Ilcan, and Rygiel 2017), less is known about the mental health impacts of the waiting process on refugees. In addition, global comparative studies are not frequent in the refugee mental health literature. This study attempts to address these gaps by asking the following questions: How does the waiting process affect Iranian refugees' mental health and wellbeing? How do their lived experiences of mental health and wellbeing differ based on the country of temporary asylum? The methodological perspective and research results will be discussed in the rest of this paper, concluded with recommendations.

Methods

This study uses a qualitative phenomenological framework, which focuses on the significance of the subjective lived experience (Mapp 2008). A phenomenological framework makes it possible to prioritize refugees' own narratives about their experiences and to create a discursive space for those who are willing to tell their own stories through interviews (Dyck and McLaren 2004). As a non-refugee Iranian who was raised in Türkiye and lived in Canada, the subjective position of the researcher was simultaneously an outsider and insider. This position had complex consequences during the recruitment and interview phases. Speaking Farsi and having cultural knowledge about Iranian migrant life in Türkiye and Canada made it easier to build a rapport with the participants. At the same time, the researcher's nationality has reinforced Iranian migrants' widespread and well-documented mistrust towards other members of their community (Bailey 2008; Darvishpour 1999). This mistrust, alongside the conditions imposed by the COVID-19 Pandemic preventing face-to-face contact, made it challenging to recruit a large number of participants.

In-depth semi-structured interviews were conducted online or through the phone with fifteen Iranian refugees in British Columbia between May 2020-February 2021. Nine participants had spent a waiting process in Türkiye, while six others came to Canada directly from Iran. At the time of the interviews, four of them were still going through their waiting process in Canada. All of the participants left Iran during or after Summer 2009 when a post-election uprising led to increasing political pressure and a subsequent migration trend (Rivetti 2013; Saluschev 2014).

The sample consists of nine women and six men, including a gay man and a

lesbian woman. The ages of the participants were between 29 and 64 at the time of the interviews. In terms of ethnic identity, six participants were Persian, four of them were Azerbaijani Turks, three of them were Gilaki, one was a Bakhtiari, and another one was half Azerbaijani-half Persian. Six of the participants had children, and five of them came to Canada together with their children. Participants' names and detailed personal information were not included in the study results to protect anonymity and confidentiality. An ethics approval was received from the University of Victoria Human Research Ethics Board (HREB) before the start of the participant recruitment. Both verbal and written informed consent was obtained from each participant before the interviews.

The interview questions consisted of two parts, the first of them attempting to obtain information about participants' migration trajectories, and the second one focusing on health trajectories. These included asking about their mental health and well-being during the waiting process in Türkiye or Canada, factors and incidents affecting their mental health during that process, as well as the presence of social support and community support. The interviews were transcribed and coded by the researcher using Dedoose, an online analysis software for qualitative and mixed methods (Salmona, Lieber, and Kaczynski 2019).

Results

A majority of the research participants (n=9) spent a waiting process in Türkiye, before being resettled in Canada. This process ranged from 19 months (n=2) to 5 years (n=2).The Turkish asylum laws assign asylum-seekers to specific towns, named 'satellite cities', where they are prohibited from arbitrarily leaving (Ustubici and Karadag 2020, 11). The participants of this research have spent their waiting processes in six different towns which are Bolu, Denizli, Eskisehir, Kayseri (n=3), Van, and Yalova (n=2). The other six participants had spent, or were spending, a waiting process in Canada, at the time of the interviews. For two of them, the waiting process had lasted three years.

All participants, except one (F, 64) described the waiting process as the most challenging phase of their migration trajectory, characterized by a sense of temporariness, lack of belonging, precarity, and uncertainty of the future. Four general themes emerged from the interviews, characterizing the Iranian refugees' lived experiences of mental health and wellbeing during the waiting processes in

Türkiye and Canada. These themes are categorized as trauma; grief and depression; stress, worry, and anxiety; social isolation, and economic challenges.

Trauma

In the context of this study, trauma refers to deeply distressing events shaping the Iranian refugees' mental health and wellbeing during the migration trajectories. The participants' lived experiences of trauma in Türkiye and Canada are reviewed below.

Türkiye

A majority of participants who sought asylum in Türkiye mentioned the impact of trauma on their mental health and wellbeing. This included the impact of pre-migration traumatic events experienced in Iran and those experienced during the migration trajectory. An example of the impact of pre-migration trauma can be seen in the lived experience of a participant (F, 41) whose husband was a political prisoner in Iran. In the interviews, she shared the traumatizing effects of the encounters she had with Iranian judicial and police authorities, with whom she had to regularly deal due to her husband's political activism. She reported facing sexual harassment by these authorities, which left her mentally and physically distressed during her time as an asylum seeker in Türkiye. She described going through visible physical symptoms when recalling these traumas during her refugee application interviews, as below.

> "At those times (in Türkiye) I used to always feel faint…You know, it really affected me very badly. It was to the extent that whenever I repeated them, all my body would shiver. I remember that when we were at the UNHCR office, when I was talking to them, all my body was shaking and it was like I constantly had to interrupt my own talk." (F, 41)

Some Iranian refugees experienced the migration itself as a traumatic incident due to the restricted and involuntary nature of refugee migration. One of the participants (M, 34), who left Iran by crossing the land border to Türkiye illegally through human smugglers, mentioned that the physical conditions during the border crossing, as well as the behavior of human smugglers and fear of being caught, were traumatizing. He described the physical and emotional hardships of the process as below:

"My journey to Türkiye was very uneasy, it was very stressful, it was not comfortable… Crossing that mountain… not even normal, I mean, it was scary. Because first of all, you are crossing the border illegally as a fugitive, and this has its own stress and fear by itself...Then, in the second place, the journey itself is not easy either, that is, your relationship with the smuggler, your relationship with the smuggler from Türkiye is not very secure either, it isn't an easy one." (M, 34)

Even those who didn't go through traumatic incidents had witnessed deeply distressing or violent incidents within their local Iranian refugee communities in Türkiye. One of the most significant examples of this situation is the case of a participant (F, 54) whose neighbor's child was taken hostage and later killed by her father, who was also an Iranian refugee. The participant described going through an intense emotional and mental toll because of this incident, as the main provider of emotional and practical support to the child's mother both before and after the homicide.

"We went to the home and they (the police) opened the door, and we saw that the child was dead. See, this is a big nightmare in my life. For four months I was…I was even losing my mental balance. I felt extremely bad... My whole body still shakeswhen I remember this." (F, 54)

After the incident, this participant had to testify in the Turkish court against the father, in his close physical presence. She described her feelings of fear and distress during that process, in the following way.

"You wouldn't even believe it, but even though I took two anti-stress pills and this kind of stuff before it, my whole body was shaking…I had such a bad feeling, such a bad situation. A strange fear and terror took my whole body. I was almost going to faint because of how bad I was feeling." (F, 54)

Canada

Traumas experienced in Iran, which led or contributed to the migration decision-making, often shaped refugees' mental health during the waiting process in Canada. In these cases, refugees arrived in Canada under the impact of the trauma, which reduced their capacity to cope with additional mental health challenges such as stress and uncertainty. For example, a participant who claimed refugee status in Canada due to gender-based violence (F, 37), reported harassment and threats by her former fiance as a traumatizing experience. In another case, a participant went through trauma when trying to navigate the healthcare system in Canada, through which she was diagnosed with a disability. She commented about being upset with

the "cold attitude" of a doctor who diagnosed her with a lifetime disability, after "ignoring her complaints and symptoms for a long time".

> "I mean when she told that to me, I became really upset. And she was cold, and I was on the edge of crying. I started to cry and I just told her that I don't know what to say. I mean, what kind of doctor is this? You are a doctor, so you should do your job!" (F, 38)

Underlining the contrast between her physical health in Iran and Canada, the participant commented:

> "I think these are even more traumatic for me because I was always a very healthy person in Iran...Both mentally and physically. Maybe it's because we experienced the conditions of war back there. Maybe living in Iran made us suffer a bit more, but I was a very healthy person physically, I mean, I didn't have any problems anywhere in my body. My body wasn't disabled. It wasn't fragile. Nothing bad had happened to me in a physical sense." (F, 38)

Grief and Depression

A majority of the participants (n=14) mentioned experiencing grief, characterizing their emotional response to loss, as well as depression or intense sadness, during the waiting processes in Türkiye or Canada.

Türkiye

Several Iranian refugees mentioned dealing with grief during their waiting process in Türkiye, often due to the loss of a close person. For some, these losses were often linked with traumatic events experienced before migration. For example, one of the participants had experienced a miscarriage as a result of the police violence during a house raid in Iran.

Another participant (M, 42), has lost his young brother just before leaving Iran, who was a political activist executed by the Iranian government. As a result, he has reported dealing with intense feelings of grief, sorrow, rage, and vengeance, even after leaving Türkiye for Canada. In his words, refugees "carry their issues with themselves while leaving their countries behind". In some other cases, refugees experience grief in the context of refugee migration where it is impossible to visit their loved ones who live in their home country before their death, and participate in their funeral. One of the participants (M, 40) reported the loss of his mother, which not only affected himself but also his teenage son in an emotionally intense way.

Canada

In the context of refugee migration, the notion of grief can be applied not only to the loss of loved ones, but also to the loss of 'home' and the previous sense of self. The loss of 'home' is often connected with belongings that are inside the home, some of which cannot be carried by the individuals throughout their migration trajectories. Thus, grieving for more abstract and symbolic losses of home and the previous sense of self become intertwined with longing for the material objects or belongings that are left behind in one's previous home. For example, a participant (F, 37) reported sadness due to having to leave her artwork in the house of their parents and relatives in Iran.

> "Unfortunately, I couldn't bring any of my art supplies or artwork here. Because my sister and her family requested some stuff, and then we had some personal stuff which was necessary, so we didn't have any place left for additional stuff…Still, when I call Iran after a few months (of being here), my mom tells me what I'm going to do with 'these stuff' and whether she should throw them into the garbage or not. She's talking about my artwork and sculptures! I tell her that she's going to give me a stroke, (I say) please don't even touch them or I will die, they mean the whole life for me!" (F, 37*)*

Stress, Worry, and Anxiety

For a majority of the participants (n=14) the waiting process was associated with the uncertainty of the future, therefore a feeling of lack of control and agency. These, in turn, led to adverse mental health consequences characterized by stress, worry, and anxiety for the Iranian refugees.

Türkiye

For asylum seekers in Türkiye, the waiting process starts right after the refugee application, while its ending time is indefinite, depending on various institutional and political factors going beyond the control of the individuals (Biehl, 2015). One participant described the daily life impacts of this temporariness and lack of control as below:

> "In Türkiye, our situation was as if we were left hanging in the air, we couldn't take action about anything...I'm talking about even renting a house and buying furniture..Every day when we used to go shopping, even when we wanted to buy some basic cutlery, we wouldn't feel comfortable about buying anything. We would tell ourselves that 'well, I might have to leave these here and move (to the country of resettlement) after a few months or a year…'And that wasn't only about spending

money, the fact is that we could only bring two pieces of luggage with us, not heavier than 23 kilograms." (M, 34b)

Even after one's refugee claim is accepted by the UNHCR, national and global events can affect the country quotas and assignment of a receiving country to refugees. Multiple participants have mentioned the impacts of the Syrian refugee crisis, the American elections, and Trump's immigration policy changes in their migration trajectories, unexpectedly extending their waiting processes in Türkiye. For example, a gay refugee whose case was assigned to Canada had to wait more than two years to hear back from the Canadian Embassy.

> "In Türkiye, my process with the UN has finished in one year...Actually, they sent my case file to the Canadian Embassy after eight months...but that coincided with the (beginning of the) Trudeau government, and the (Syrian) refugee crisis, and these sort of things...So the Canadian government stopped receiving (Iranian) refugees...For exactly 27 and half months, every day, every day except the weekends, I was waiting for a call from the Canadian embassy...For almost two and half years I waited for that call." (M, 34b)

Another participant (M, 40) described how the delays in his migration process affected his feelings about the future, even after he was resettled in Canada:

> "Well, imagine that you are constantly waiting and preparing yourself for receiving news, telling yourself that 'Well I'll be going to Canada', and then they call you referring you to the USA, so you prepare yourself again, this time for going to the USA, and then again...So here we are now. So that's why I feel like no one ever knows what will also happen tomorrow." (40, M)

Once they enter Türkiye, asylum seekers' towns of residence are assigned by the Turkish government based on the available spaces or quotas, unless the asylum seeker has a first-degree relative living in one of the satellite towns. Thus, asylum seekers have minimal agency in choosing their towns of residence during the waiting process in Türkiye. Iranian asylum seekers are not allowed to leave the satellite town that they are assigned without applying for and obtaining official permission (Turkish: 'izin'). They have to regularly provide signatures in the local police stations to prove residency (Ustubici and Karadag 2020, 11).

Still, some asylum seekers do live in larger cities with better living conditions and only visit their satellite towns to provide signatures. One of the participants who lived in such a situation described his exhaustion from the constant sense of fear, worry, and anxiety.

Comparing his situation with other migrants who were among his circle of friends, he mentioned that rather than being excited about his country of

destination, his main motivation was to be freed of the restrictions shaping his daily life in Türkiye.

> "I wasn't excited at all and it really didn't matter for me where I would go...I just knew that I wanted to get rid of the uncertainty...I wanted to know what I am going to do with my life...I wanted to have a proper legal status so I wouldn't constantly act like a fugitive...I wouldn't fear from police anymore...I wouldn't be forced to go (back) to another town for providing a signature anymore...Or (I wouldn't be forced to) obtain permission for leaving the town, and constantly worry about being caught by the police (when you are out of the satellite town without permission)" (M, 35)

Worrying about accompanying children, and relatives back in Iran, is another feeling that was mentioned by three participants, as a factor perpetuating stress and declining mental health. A participant shared her feelings of worry about her child who witnessed their persecution before migration, as below.

> "My first child was too young, he was two and half years old when we left Iran. He used to be harmed a lot during our detentions. He used to fear a lot when they used to come to our house to search for it. To torture us more, they wouldn't allow us to keep the child away from that surrounding. The child always thought that they were thieves who came to our house. He always talks about remembering a thief. These (incidents) were so difficult for me, (and) to take care of this child in such a situation. I myself was also affected a lot, both physically and mentally." (F, 41)

Another participant (M, 40) also mentioned feeling worried about his children's mental health and wellbeing. In his case, the worry was intertwined with feelings of intense guilt for 'dragging his children and wife' with himself, since his political activism led them to leave Iran.

Canada

For those who spent their waiting process in Canada, stress during that phase was impacted by the language barrier and communication issues. For them, the COVID-19 Pandemic led to further isolation, uncertainty, and delays in the paperwork. Feelings of worry were reported to be more intense by refugees who have left Iran just before or during the Pandemic, therefore worrying about the life of their loved ones who have experienced the Pandemic most severely in Iran. A participant reported her lived experience in the following words.

> "It doubled everything in effect...The virus, my nephew's illness, both of these doubled everything else. So in these ten months, I ended up tolerating twenty months' worth of stress, you know? Some people say that the first two years are difficult, but for me, it was like I had double the amount of stress in these ten

months, as if I had experienced those two years already. Anyway…I'm just praying for finding a job, and nothing else is too important for me." (F, 52)

Social Isolation and Economic Challenges

A majority of the Iranian refugees (n=10) reported experiencing social isolation and loneliness in various phases of their migration trajectories, while all of them (n=15) mentioned going through economic challenges which negatively affected their mental health and wellbeing.

Türkiye

The Iranian refugees in Türkiye were legally not allowed to work or seek registered, formal employment. This lack of employment, alongside the lengthy processes of waiting, led to challenges for all participants seeking asylum in Türkiye. One of the participants expressed his lived experience in the following words.

> "The process was long and difficult…Plus, imagine that in those 5 years we didn't have work permits, and we weren't receiving any financial assistance from the Turkish government, and I had to feed a family with two children… With the living costs in Türkiye, so just imagine the mess!" (M, 40)

In the absence of work permits and formal employment opportunities, A majority of participants (n=8) mentioned working informally or voluntarily in Türkiye. Despite not having any social rights or contract because of the informal and unregistered nature of informal employment, working provided the participants not only with economic means but also with opportunities for socialization and gaining respect in the community. For example, two participants (M, 34; F, 64) mentioned working for the local Turkish immigration police as Farsi-Turkish interpreters informally. Two others (M, 34; F, 41) recounted their experiences of voluntarily collaborating with the local Turkish NGO branches working with Iranian and Afghan asylum seekers. One participant stated:

> "I used to be the one who brought the newcomer asylum seekers to their doctor appointments in Türkiye because I learned the Turkish language. The police used to call me and say ''Abla gel'' (Turkish: Come here, sister). I used to work there as an interpreter. For example when they detained trafficked Afghan asylum seekers. I would be their interpreter. I can't tell you how much the police respected me. They (Turkish people) loved me so much, regardless of where I went...From hospitals to various doctor clinics. All doctors used to know me because I used to bring them (newcomer asylum seekers) to different doctors." (F, 64)

Another interviewee commented:

"I used to work at the office of ASAM (Association of Solidarity with Asylum Seekers and Migrants)...That NGO was like a bridge between the UN and the asylum seekers...I mostly worked there as a volunteer...My intention was both to keep myself busy and also to be able to provide some help to the newcomer asylum seekers." (F, 41)

While this participant mentioned eagerly and easily learning Turkish, partially due to her ethnic Azerbaijani Turkic background, her husband's experience was significantly different as he (M, 42) described below:

"In my workplace, there used to be around 40 or 50 Turkish people..and I learned the language from them. Actually..it is an interesting or rather sad story..but now that I think about it, it was a good experience..but it was sad during the first days...As you know, the younger generation of Türkiye is not good with migrants at all...So they used to insult us a lot..and it's interesting that I actually tried to learn Turkish in less than two months. The only reason for me to learn Turkish quickly was that I wanted to respond to their insults. So that's why I learned Turkish." (M, 42)

Alongside the interactions with the Turkish society, relations with the other members of the Iranian asylum seeker community were also significant in shaping the participants' experiences during the waiting process. Several participants (n=6) mentioned being close 'like a family' with other Iranian asylum seekers spending the waiting process in the same town with them. They have mentioned taking different kinds of community leadership roles and engaging in activities of solidarity such as collecting funds or providing emotional support for the community members in need. One of the participants commented:

"I was under a lot of pressure...Not only me, but those around me were in the same situation as well... And I had become something like their mom, I had to constantly comfort everyone...In Türkiye, I had four or five close friends that actually became like my family. I mean, in fact, they were closer than the family. At the end of the day we were all far away from our families, some of us hadn't seen them for one or two years. But with these people, we were near each other every day from the morning until night." (M, 34b)

Another participant (54, F) commented on her supportive role for a refugee neighbor of hers, who had lost her kidnapped child due to a family tragedy that made news in Türkiye. She mentioned helping her during the tragedy despite not belonging to the same religious community. Recalling other refugees' praise for her support, she commented:

> "I felt a sense of responsibility. If one doesn't become useful in this kind of time, it wouldn't make sense to be with each other during good times as everyone can do that...The important thing is to help and rescue each other during hardship." (F, 54)

She talked about eventually gaining a community organizer role, in the following words:

> "It made me feel useful in Türkiye. Feeling that I can solve someone's problems, or help someone. There were many newcomer refugees who, for example, didn't have money. The (refugee) folks in Kayseri, were sincere folks and they respected me. For example, when they wanted to go to the Bazaar, I would tell them 'Guys, we have newcomer compatriots who don't have money, who have problems, let's help them. Let's each of us buy something for their home from the Bazaar and bring it here and help them..''. So one would bring 5 Turkish liras, another one would bring 10...Everyone would help with so much kindness." (F, 54)

In sum, the participants mentioned having close ties, supportive relationships, feelings of productivity, and a sense of purpose through their relationships within the Iranian community. It can be argued that through these interactions, the participants have attempted to overcome the lack of support created by the absence of active official and non-governmental organizations.

Canada

In contrast with asylum seekers in Türkiye, refugee claimants in Canada were allowed to legally seek employment and work, or receive financial assistance in the absence of employment, if eligible. However, accessing financial help was not always a straightforward process for the Iranian refugees. A participant shared the challenges that she faced while navigating the welfare system during the waiting process as below:

> "I got a social worker and they (the government) gave me 500 dollars a month...But I actually lost that (right to financial assistance) after a short time. And I'm actually so glad that it's over...Because at that time my (English) language wasn't strong and I didn't have an interpreter...The social worker used to sit behind glass and she was very distant to me... After starting to work, and receiving a check, she issued a fine to me! They told me that I haven't reported it (as my income). At that moment I was actually living in a shelter. I mean, because of my housing problems I ended up returning to shelter...So imagine, they issued a fine of 1000 dollars for me who is a refugee." (F, 38)

This participant mentioned having complex feelings about receiving financial assistance from the government, in the following words.

"I always advocated about not being dependent on the state, and encouraged my refugee friends to get out of the welfare system… but as a friend says to me that apparently the system is so fucked up that we actually deserved to stay in the system and keep receiving welfare. But it seems like it (the system) doesn't appreciate what we have done. You know, unfortunately, nobody here appreciates characteristics such as honesty and hard work that we brought with us from our home country." (F, 38)

In addition, a majority of the participants who spent the waiting process in Canada (n=5) mentioned that facing barriers during their search for employment was the most challenging aspect of their lived experiences. For several participants (n=4) these barriers were tied to employers' request for proof of Canadian work and education experience. As a result, participants have faced a social erasure of their past job experience, credential, and occupational status. Multiple participants (n=5) have mentioned experiencing severe downward mobility or sharp ups and downs in their occupational history, in connection with their migration trajectory. For example, a refugee claimant (F, 29) who used to work in the public sector as a psychologist in Iran ended up working as a busser in an Iranian grill house after moving to Canada. Another participant, who was a lawyer in Iran, mentioned doing manual labor in the construction sector in Canada, due to his lack of Canadian credentials and official language proficiency. He commented:

"Well, this is a first-world country, you should work every day like a machine, otherwise, you know..(sarcastic tone). I work 8 hours a day...Including Sunday...It's really hard to do manual labor here..You end up being left behind in life because, during your free time you're so tired that you become like a dead body, you can just sleep at home until the next day. What kind of life is this? When someone migrates to a place, regardless of its reasons, one of the most important things is to raise one's living standards. I can't keep working from early morning until evening and then sleep like a dead body and go back to work again. Is this my standard (of living) now? It shouldn't be...Otherwise, I have my own house and own car in Iran, so what's the point (of living in Canada)?" (M, 40)

Employers' expectations of Canadian credentials become more challenging to navigate for older refugees, who can feel like they have fallen behind or that they have less time to achieve new credentials. A participant described her experience as below:

"When I came here I realized that they don't accept my documents or past experience at all, and I have to start from zero at this age...I mean I was shocked, I didn't think that it was going to be like that... Although everyone tells me that I can follow up in the upcoming years and later work in my own field, but well, in the end, I'm not a 20-year-old young folk who can wait five more years…"(F, 52)

For these participants, the transition from life in Iran to being a refugee claimant in Canada is embodied subsequently through the impact of manual labor and fatigue, as well as the self-perception of having an aging body. These experiences are also connected with the lived time and temporality as one constantly looks back into, and reconsiders their past experiences, credentials, and/or living standards while assessing future options and prospects. In some cases, these assessments were based on comparisons of one's past in Iran and present situation in Canada which resulted in feelings of remorse. One participant expressed the downward socioeconomic mobility that she experienced during the waiting process as below:

> "When I came here, the first thing that I ended up remembering and thinking about was an Afghan woman, who was a maid in our home (in Iran)...And I felt like 'well, this woman has been suffering a lot' and I said to myself that now...I just felt that at that moment I was finally able to understand her. So imagine how (hard) my experience was here that I ended up thinking like that." (F, 38)

Another participant commented:

> "We didn't have any job in the first 3 months...Until obtaining our work permit. Those 3 months were too stressful for me, way too much...I can say that I was even remorseful, at the beginning...I was always saying that at least there (in Iran) I had my job, at least I had my family there, we were able to have a cup of tea or have a chit-chat so I could ease the pressure on me...Here I can't do that." (F, 29)

This participant's comparison of her living conditions in Canada and Iran doesn't only focus on her employment issues but also underlines the absence of close family providing emotional support. Nevertheless, almost all of the participants who claimed refugee status in Canada (n=5) already had one or more close relatives or family members there before leaving Iran. As a result of this community presence, in addition to the language barrier, none of the participants had formed close social relationships and friendships with Canadians from other backgrounds during the waiting process. Two of them (F, 40 and F, 37) mentioned perceiving Canadians as distant, cold, and 'too different from Iranians', mentioning that they don't see close relationships possible. One of these participants (F, 40) mentioned a brief casual interaction with her neighbors, where they didn't respond to her small talk as warmly as she expected: "*I felt like they don't want to be friends with us. Maybe they are racist. We would have been much warmer to them if they were in our country".*

While the presence of close family members, as well as a large Iranian community in Canada, had helped the participants to cope with social isolation, many participants mentioned problems that they had experienced with fellow

community members. They often reported uncomfortable and complex interactions with the other members of the Iranian community, shaped by multilayered moral and character-based judgements. Two participants (F, 38; F, 37) mentioned avoiding close interactions with the other members of the community during the waiting process in Canada, due to the widespread mistrust and anti-refugee stigma that they faced from other Iranian migrants.

Discussion

While in general participants have associated the waiting process with uncertainty and being in limbo, there are significant differences in spending the waiting process in Canada compared to waiting in Türkiye. The first and the most tangible difference was that while all participants who had spent the waiting process in Türkiye have complained about the lack of work permits and financial assistantships there, the economic conditions are less restricted for the refugee claimants in Canada. In addition to being able to obtain a work permit and become employed, refugee claimants in Canada were also eligible for getting regular financial assistance, which several participants (n=3) mentioned receiving.

The second difference between spending the waiting process in Canada and Türkiye is that those claiming refugee status in Canada already lived in their country of destination.

Thus, unlike those in Türkiye, they did not have to expect to hear about their country of resettlement and go through the process of moving to a third country. As a result, compared to the resettled refugees, those who claim refugee status in Canada have time to adjust and acculturate before becoming permanent residents. Still, despite not having to deal with the additional uncertainty of their country of resettlement, those who move to Canada from Iran go through a sharp transition, which was described as "*a move from hell to heaven*" by one of the participants (F, 52).

Finally, the relational aspect of participants' lived experiences, that is, their interactions with local and Iranian communities were significantly different between those who waited for the asylum decision in Türkiye and Canada. Participants reported uncomfortable interactions with other Iranians in Canada, which led them to avoid building relationships with the members of the community. In contrast, participants had close relations with other Iranian refugees in Türkiye which were

described as *"becoming like a family"* by four of them. Similarly, a majority of those applying for asylum in Türkiye (n=6) reported having friendly relationships with the local Turks, while those who spent the waiting process in Canada mentioned extremely limited or no contact with local Canadians.

It can be argued that participants' conceptualizations of cultural proximity and difference play a role in building and sustaining close relationships with locals. Indeed, four of those (M, 34a, M, 34b; M, 35; F, 41) who reported close relationships with Turks came from Iran's own Azerbaijani Turkish ethnic community, which has linguistic and cultural similarities with Türkiye's ethnic Turks (Salehi and Neysani 2017). In comparison, several participants mentioned perceiving Canadians as "distant", "cold", and "too different from Iranians" (F, 40; F, 37). These differences, in turn, led to contrasting experiences of social and community support for the Iranian refugees in Türkiye and Canada.

Conclusion and Recommendations

This study used a phenomenological perspective to discuss the Iranian refugees' lived experiences during the asylum waiting processes in Türkiye and Canada. The interview results illustrated that for the Iranian refugees, the waiting process is characterized by uncertainty, precarity, and temporariness. Thus, the waiting process affects Iranian refugees' mental health and wellbeing through four broad issues which are trauma; grief and depression; stress, worry, and anxiety; social isolation, and economic challenges. Despite these common issues, the social, economic, and policy-related context of the country of asylum also shapes the Iranian refugees' lived experiences. First, refugees were not granted work permits or financial assistance while waiting for obtaining their status in Türkiye, in contrast with Canada where they could be employed. Second, those spending the waiting process in Canada were not expecting to be referred to a third country, while refugees in Türkiye had to deal with the uncertainties about their country of resettlement even after their refugee status was granted. Finally, refugees spending the waiting process in Türkiye had stronger social and community support as they had close relationships with both the other Iranians and local Turks, while those in Canada reported minimum or no interactions with Canadians, and negative experiences with other Iranians.

While this study contributes to the literature by presenting rare empirical

data, it is important to acknowledge the limitations. First, the sample size of the study is limited to fifteen people. Both due to its phenomenological framework, as well as its small sample size, this study does not claim to provide generalizable findings. Second, despite being relatively diverse, the sample is not representative of all different ethnic, religious, and political categories of Iran and it does not include any Kurdish, Arab, or Sunni Muslim individuals. The experiences of individuals with these backgrounds could be significantly different than the others in Türkiye, due to socio-political reasons including the presence of local Kurdish, Arab, and Sunni populations there. Thus, future research can look into the experiences of a larger and more representative group from Iran to better compare refugee experiences in Türkiye and Canada. Finally, not all of the research participants were at the same point in their migration trajectories during the interviews. Those who spent the waiting process in Türkiye had already been resettled, while four participants were still going through their waiting process in Canada. Future research can be conducted in an international comparative setting, in order to compare and contrast the experiences of refugees living in Türkiye and Canada during the same time period.

Bibliography

Baban, Feyzi, Suzan Ilcan, and Kim Rygiel. "Syrian refugees in Turkey: Pathways to precarity, differential inclusion, and negotiated citizenship rights." *Journal of Ethnic and Migration Studies* 43, no. 1 (2017): 41-57.

Bailey, Nicole. "Zancouver: The history of Iranian women migrants in Vancouver 1978-2007." PhD diss., Simon Fraser University, 2008.

Darvishpour, Mehrdad. "Intensified gender conflicts within Iranian families in Sweden." *Nora: Nordic Journal of Women's Studies* 7, no. 1 (1999): 20-33.

Dyck, Isabel, and Arlene Tigar McLaren. "Telling it like it is? Constructing accounts of settlement with immigrant and refugee women in Canada." *Gender, Place & Culture* 11, no. 4 (2004): 513-534.

"Turkey Factsheet." n.d. European Civil Protection and Humanitarian Aid Operations. Accessed July 5, 2023. https://ec.europa.eu/echo/where/europe/turkey_en.

Labman, Shauna. *Crossing law's border: Canada's refugee resettlement program*. uBc Press, 2019.

Loyd, Jenna M., Patricia Ehrkamp, and Anna J. Secor. "A geopolitics of trauma: Refugee administration and protracted uncertainty in Turkey." *Transactions of the Institute of British Geographers* 43, no. 3 (2018): 377-389.

Mapp, Taniya. "Understanding phenomenology: The lived experience." *British Journal of Midwifery* 16, no. 5 (2008): 308-311.

Moore, Will H., and Stephen M. Shellman. "Refugee or internally displaced person? To where should one flee?." *Comparative Political Studies* 39, no. 5 (2006): 599-622.

Rivetti, Paola. "Empowerment without emancipation: Performativity and political activism among Iranian refugees in Italy and Turkey." *Alternatives* 38, no. 4 (2013): 305-320.

Salehi, Mohammad, and Aydin Neysani. "Receptive intelligibility of Turkish to Iranian-Azerbaijani speakers." *Cogent Education* 4, no. 1 (2017): 1326653.

Salmona, Michelle, Eli Lieber, and Dan Kaczynski. *Qualitative and mixed methods data analysis using Dedoose: A practical approach for research across the social sciences*. Sage Publications, 2019.

Saluschev, Sergey. *At The Intersection of Global & National: The Plight of Iranian Asylum Seekers in Turkey*. University of California, Santa Barbara, 2014.

Sanasarian, Eliz. *Religious minorities in Iran*. Cambridge University Press, 2000.

UNHCR Canada. *Are Refugees Good for Canada? A Look at Canadian Refugee Integration*. UNHCR, 2019.

Üstübici, Ayşen, and Sibel Karadağ. "Refugee protection in Turkey during the first phase of the COVID-19 pandemic." Turkey Interim Report Istanbul: Koç University http://admigov. eu/upload/Ustubici_Karadag_2020_Turkey_ Interim_Report. pdf (2020).

Government of Canada. 2019. "Government-Assisted Refugees Program." Canada.ca. https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/government-assisted-refugee-program.html

Between Two Worlds: The Role of Bilingual Call Centers in Navigating Post-Deportation Identity among Mexican Returnees

Carlos S. IBARRA, Rodolfo Cruz PIÑEIRO and Arturo Fabián JIMÉNEZ

Abstract. This paper explores the intricacies of identity negotiation and reconfiguration among 30 deported Mexicans who were expelled under Title 42 during and after the pandemic, resettling in Tijuana and Juarez. While considerable research has documented the socio-economic adversities faced by returnees, there is a knowledge gap when it comes to the emotional and psychological ramifications of their post-deportation lives. Drawing on in-depth interviews, this research examines the multifaceted narratives of participants who grapple with a bifurcated existence — one foot in their past American lives and the other in their current Mexican context. Intriguingly, bilingual call centers emerge as pivotal in this narrative. These centers act not solely as sources of livelihood but also as socio-cultural sanctuaries, providing a space that mitigates the emotional void and cultural dissonance induced by deportation.

Keywords*: transnational identities, post-deportation, emotional mediators, bilingual call centers, deportation*

Introduction

Navigating the challenges and opportunities of a post-deportation life requires understanding within the broader backdrop of identity negotiation. The literature surrounding the migration experience has long touched upon the dynamics associated with border crossings, the complexities of settling in host nations, and the subsequent impacts on identity formation.[1][2] But there is less attention given to the return, especially the forced return, of migrants to their

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[1] Linda Bosniak, "Multiple nationality and the postnational transformation of citizenship." In *Rights and Duties of Dual Nationals*, pp. 27-48. Brill Nijhoff, 2003.
[2] Cecilia Menjívar, "Immigrant criminalization in law and the media: Effects on Latino immigrant workers' identities in Arizona." *American Behavioral Scientist* 60, no. 5-6 (2016): 597-616.

countries of origin. In a world increasingly characterized by transnationalsm, where individuals maintain affiliations with multiple nations, the return to the homeland often entails a profound reconfiguration of identity.[34]

The process of identity renegotiation post-deportation requires a reconceptualization of oneself within an environment that has often changed significantly since one's departure. Furthermore, the individual's perception of 'home' may have shifted, influenced by their experiences abroad. Consequently, upon return, the individual may feel like a stranger in their own land, contending with feelings of alienation and estrangement.[5] In this regard, the stories of the Mexican returnees expelled under Title 42 form an essential chapter in the broader narrative of global migration.

The pandemic's onset and the subsequent implementation of Title 42 have resulted in the expulsion of individuals who, in many instances, had built significant portions of their lives in the U.S. These are not mere numbers but individuals with families, jobs, communities, and aspirations, all of which have been upended by the rapid and often unexpected process of deportation.[6] The abruptness of this experience can be emotionally taxing, and the subsequent identity crisis they encounter is heightened by the need to reintegrate into a country which may seem foreign in many respects.

Bilingual call centers sit at the intersection of the deportees' dual identities. On the one hand, these centers harness the returnees' bilingualism — a skill honed during their time in the U.S. — to serve an American clientele. This offers a semblance of familiarity and connection to their past lives.[7] On the other hand, these centers are embedded within the Mexican socio-economic structure, thereby anchoring the returnees in their present realities.[8] Such dynamics create a unique space where returnees can, albeit gradually, negotiate and reconcile their bifurcated identities. Although said process is not without its challenges, especially when the

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[3] Steven Vertovec, "Transnationalism and identity." *Journal of Ethnic and Migration studies* 27, no. 4 (2001): 573-582.

[4] Bernadette Jaworsky et al., "New perspectives on immigrant contexts of reception: The cultural armature of cities." *Nordic Journal of Migration Research* 2, no. 1 (2012): 78.

[5] Bridget Anderson, Matthew J. Gibney, and Emanuela Paoletti. "Citizenship, deportation and the boundaries of belonging." *Citizenship studies* 15, no. 5 (2011): 547-563.

[6] Sarah Sherman-Stokes, "Public health and the power to exclude: Immigrant expulsions at the border." *Geo. Immigr. LJ* 36 (2021): 261.

[7] Amado Alarcón and Josiah Heyman, "Bilingual call centers at the US-Mexico border: Location and linguistic markers of exploitability." *Language in Society* 42, no. 1 (2013): 1-21.

[8] Rafael Alarcón and Blanca Cordero. "Deportación y trabajadores transnacionales en la industria de los call centers en México." *Tla-melaua: revista de ciencias sociales* 13, no. 1 (2019): 120-142.

frequent interaction with U.S. clients can serve as a painful reminder of the lives they left behind, and the sometimes hostile interactions can further erode their self-worth. This constant oscillation between familiarity and estrangement within the confines of call centers complicates the identity negotiation process, making it essential to understand the nuanced role these centers play in shaping returnees' experiences.

The broader discourse on migration rarely engages deeply with the return migration phenomenon, especially the post-deportation experience. This oversight is particularly glaring given the emotional, psychological, and socio-economic complexities associated with forced return.[9] By shedding light on the lived experiences of returnees and emphasizing the role of bilingual call centers, this study seeks to address this gap, thereby enriching our understanding of contemporary migration dynamics.

In light of the complexities of the post-deportation experience, a focus on bilingual call centers provides a unique vantage point. These institutions represent a microcosm of broader socio-cultural dynamics that these returnees confront. Historically, call centers in Mexico were instituted to tap into the country's bilingual resource pool, thereby serving the dual function of economic development and cultural connection to the North.[10] In the wake of the large-scale deportations under Title 42, their role has been amplified, becoming crucial nodes for reintegration.

Understanding the dynamics of identity formation and negotiation requires a foray into the theories of identity itself. Identity is not a fixed, immutable construct. Instead, it is fluid, shaped and reshaped by our experiences, interactions, and external environments. For the returnees, the process of deportation represents a profound rupture in their life narratives, forcing them to confront questions of belonging, acceptance, and self-worth.[11][12] The linguistic and cultural familiarity that the call centers provide can be seen as a balm, momentarily easing the pain of this rupture. Yet, they are also sites of memory, where interactions with U.S. clientele evoke past lives, sometimes with a tinge of nostalgia and at other times with pangs

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[9] Liza Schuster and Nassim Majidi. "Deportation stigma and re-migration." *Journal of Ethnic and Migration studies* 41, no. 4 (2015): 635-652.

[10] Jesús Enríquez and Kelvin, "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.

[11] Steven Vertovec, *Transnationalism*. Routledge, 2009.

[12] Nicholas De Genova and Nathalie Peutz. "The deportation regime." *Sovereignty, space, and the freedom of movement. Durham, NC* (2010).

of loss.

The notion of 'liminality' as introduced by Turner offers a conceptual framework to unpack these experiences. Liminality refers to the state of being 'in-between' — a phase of ambiguity, of being neither here nor there.[13] Many returnees, in their post-deportation phase, find themselves in this liminal space, grappling with a sense of rootlessness. The call centers, with their unique positioning, exacerbate this liminality. They offer a bridge to the past, while also anchoring returnees to their present, often in paradoxical ways.

Another layer of complexity arises from the inherent challenges of working in call centers. While they offer immediate employment, the job itself is not devoid of stressors. Long hours, the pressure of maintaining performance metrics, and, at times, the hostility of clients can take a toll on the mental well-being of employees.[14] For the returnees, these stressors are compounded by their recent experiences of deportation and the subsequent emotional and psychological upheavals.[15] Consequently, understanding the call centers' role requires a multidimensional approach, one that recognizes their potential as spaces of healing, but also as sites of stress and tension.

Beyond the theoretical implications, these findings also hold considerable significance for policy formulation. As Mexico grapples with the challenge of reintegrating large numbers of returnees, understanding the roles and potentials of institutions like bilingual call centers becomes imperative. Such insights can inform strategies that maximize the positive contributions of these centers, while also addressing their inherent challenges.

Methodology

Rooted in a qualitative framework, this study acknowledges the intricate layers of identity renegotiation following deportation events. Such a qualitative approach aligns with the perspective proposed by Schuster and Majidi that post-deportation phenomena are best elucidated using research methods that delve deep

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[13] Victor Turner, 1969. *The Ritual Process: Structure and Anti-Structure*. Chicago: Aldine Publishing.
[14] Jesús Enríquez and Kelvin Monge. "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.
[15] Erin Hamilton, Pedro Orraca and Eunice Vargas. "Legal Status, Deportation, and the Health of Returned Migrants from the USA to Mexico." *Population Research and Policy Review* 42, no. 2 (2023): 16.

into the personal and socio-cultural aspects of returnees' experiences.[16]

The investigation was situated in Tijuana and Juarez, two prominent Mexican border cities. Owing to their geographical closeness to the U.S., these locations witness a significant influx of returnees. Furthermore, these cities house a thriving bilingual call center industry primarily serving English-speaking clients, as pointed out by Alarcón & Heyman.[17]

The research methodology comprised two principal arms: ethnographic fieldwork and in-depth interviews. Given the stringent visitor regulations of call centers, our team conducted observational visits to the vicinity of various bilingual call centers and the surrounding communities over a four-month span. These non-participant observations offered valuable insights into the layout, employee dynamics, and the larger working atmosphere. The broader local community dynamics and available resources for returnees were also under scrutiny. An integral aspect worth highlighting is the prior experience of one of the authors in the bilingual call center sector. This background not only illuminated our understanding of workspace dynamics but also played a crucial role during the data gathering phase, particularly during the snowball sampling approach and building a rapport during interviews.

In total, thirty semi-structured interviews were carried out with individuals affected by Title 42 expulsion during and in the aftermath of the pandemic. The interview guide shed light on their pre, mid, and post-deportation episodes, zooming in on their experiences in the call centers. All interviews were bilingual (English and Spanish), ensuring a comfortable and open dialogue. Interviews usually spanned 60 to 90 minutes.

Upon transcription, a thorough reading of the interview content was undertaken. Using Clarke and Braun's thematic analysis process as a guide, the content underwent initial coding, theme generation, theme review, theme naming, and report drafting.[18] AtlasTi software facilitated data organization and analysis.

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[16] Liza Schuster and Nassim Majidi. "What happens post-deportation? The experience of deported Afghans." *Migration studies* 1, no. 2 (2013): 221-240.

[17] Amado Alarcón and Josiah Heyman. "Bilingual call centers at the US-Mexico border: Location and linguistic markers of exploitability." *Language in Society* 42, no. 1 (2013): 1-21.

[18] Victoria Clarke and Virginia Braun. "Thematic analysis: a practical guide." *Thematic Analysis* (2021): 1-100.

Ensuring research rigor, the study incorporated multiple validation measures. Ethnographic fieldwork and in-depth interviews provided a triangulated view of the phenomena. Preliminary findings were shared with participants (member checking) to authenticate our interpretations.

Participants' rights and well-being remained paramount. They were thoroughly informed about the research objectives, their voluntary role, the confidentiality of their responses, and their withdrawal rights. Prior to each interview, informed consent was duly obtained. For participant selection, a purposeful sampling strategy was employed. Initial contacts were identified via pre-existing networks and then, using a snowball sampling approach, further participants were roped in.

The team was acutely aware of its academic positioning vis-a-vis the participants, leading to regular introspection on assumptions, biases, and potential influences during data gathering and analysis. The commitment to participant privacy led to data anonymization. Unique identifiers replaced real names, and specifics that might identify a call center were replaced with general terms.

It is important to emphasize that restricting the study to Tijuana and Juarez means the findings do not not universally apply across Mexico. Similarly, since the participants were primarily employed in bilingual call centers, the narratives of those outside this sector will substantially vary.

Post-Deportation Identity Reconfiguration

The bilingual call center environment, often viewed through the lens of its economic and linguistic functions, emerges as a microcosm teeming with stories of identity, resilience, and transformation when scrutinized through the lived experiences of deportees. Our interpretive analysis of the interview data unearths a myriad of themes, each shedding light on a distinct facet of this multifaceted environment and its profound impact on those navigating the tumultuous waters of post-deportation reintegration.

Each theme, from the ambivalent perceptions of call centers to the intricate dance of community formation and solidarity, paints a nuanced picture of the call center experience. The struggles with mental health, challenges exacerbated by the COVID-19 pandemic, the role of adult education, and the clarion calls for policy reforms further deepen our understanding of this environment. Yet, among these

themes, the process of Post-Deportation Identity Reconfiguration emerges as particularly poignant, capturing the crux of individual and collective experiences of those contending with the dual realities of their past in the U.S. and their present in Mexico.

While all identified themes merit academic exploration and possess undeniable significance, our focal point will be on post-deportation identity reconfiguration. Selected interview excerpts will be woven throughout the text to enrich our exploration, ensuring that the voices of our participants resonate unadulterated, lending authenticity and depth to our discourse. This targeted focus aims to shed light on the intricate dance of identity renegotiation, a process both personal and collective, that stands emblematic of broader narratives of displacement, belonging, and reclamation in the transnational realm.

It's essential to underscore that this reconfiguration process is often rooted in a complex amalgamation of emotional, socio-cultural, and practical challenges. Such identity transitions are not merely cognitive exercises; they're deeply emotional endeavors, rife with a mix of nostalgia, grief, resilience, and reclamation.

Layers of Disconnection and Reconnection

For many, the process of reconfiguration began with a profound sense of disconnection. While the physical displacement by deportation is abrupt, the emotional and psychological disentanglement from one's life in the U.S. is a protracted journey. Many participants highlighted the poignant memories of their previous lives, replete with established social connections, familiar routines, and a sense of belonging. Upon their return to Mexico, these memories persisted as haunting reminders of what once was, juxtaposed against the immediate challenges of reintegration into a society that felt oddly unfamiliar.

> "I had spent more than half my life in the U.S., and suddenly I was here, and everything seemed out of place (...) each morning up there, I'd walk my daughter to school. I knew every crack on the pavement, every corner store along the way. I had friends, people I'd BBQ with on weekends. There was this little diner where I'd grab my morning coffee, and they knew my order by heart. Coming back to Mexico, all that felt like a dream. Like I'd woken up and couldn't tell which part was real. The memories, man, they just cling to you, they tug at your heart every day. It's this constant mental tug-of-war, being physically present here, but emotionally stuck there (...) starting work at the call center was like living on a bridge between two

worlds. I'd speak English for hours, help people from the U.S. with their issues, and for a brief moment, it felt familiar. But then the call would end, and I'd step out into the streets, and the disconnection would hit me all over again. It's like you're neither here nor there. Like you're floating in limbo (...) Don't get me wrong. I've been trying to find my roots, reconnect with the culture and traditions here. But it's been a journey, man. It's hard when your heart is divided between two places. You got one foot in the past and the other trying to find stable ground in the present. It's this constant balancing act of remembering and trying to forget, of embracing the new while mourning what's left behind."[19]

However, as time elapsed, threads of reconnection started to weave into their narratives. For some, this reconnection was facilitated by finding solace in the familiar – perhaps a childhood memory, a cultural ritual, or a familial bond that had endured the test of time and distance. For others, the reconnection was an intentional pursuit, manifested through deliberate efforts to engage with their cultural roots, rediscover their heritage, or re-establish connections with distant family members or friends.[20]

"At first, the disorientation was so overpowering (...) I stumbled upon this old family photo (...) . It was a picture of one of our family gatherings from when I was little. The smiles, the warmth – it was like a bolt of lightning (...) I began to lean into those memories more, pulling threads from the past to stitch together my present (...) I started going out, something I hadn't done probably since I was a kid (...) the familiar rhythms of the music, the taste of churros and tamales, the laughter and chatter of people around me began to dissolve the walls I felt were separating me from this place (...) I began to reach out, attending weekly family dinners at my until then strangled aunt's place, relishing stories of our family's past (...) the more I listened, the more I saw myself as part of these lives both here and beyond the border (...) I was introduced by a friend from work to this community group where a lot of people like me gather, share stories and whatnot (...) I won't deny that there are still moments of longing, moments where I feel torn. But every day, with every new-old memory I rediscover, every song I sing, every story I hear, I find a piece of myself I thought was lost. It's a journey, and each step brings me closer to feeling whole again."[21]

The Call Center as a Double-Edged Sword

In the process of identity reconfiguration, bilingual call centers emerged as

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[19] TJ1, personal communication, April 2023.
[20] Steven Vertovec. *Transnationalism*. Routledge, 2009.

[21] JZ1, personal communication, July 2023.

powerful, albeit double-edged, symbols. On the one hand, they serve as a tangible link to their past lives in the U.S. The daily engagement with English-speaking clients evokes a spectrum of emotions, from nostalgia and longing to anger and resentment. The mere act of conversing in English, navigating American cultural references, or addressing concerns rooted in U.S. socio-cultural contexts continually reminds them of their transnational identities.[22]

> "When I first stepped foot into the call center, it felt like I had entered a strange dimension. The walls, draped with American advertisements, seemed both comforting and jarring. Suddenly, I was in this space that whispered of my past life, and yet, I was very much in Mexico. Each call was like opening a door to the U.S., albeit briefly. Hearing the familiar American accents, discussing things like Thanksgiving plans or Fourth of July celebrations, would often tug at my heart. There were days when this connection made me smile, reminiscing about barbecues with friends or the feel of cold snow during winters in Chicago. But then, there were times it twisted into a sharp pain, a stark reminder of the life I had unwillingly left behind (…) I remember talking to a lady from Arizona about a product, and she mentioned how it was 'just like the ones in old Mexican markets.' I felt a sudden surge of pride and sadness. I wanted to tell her, 'Yes, I know those markets. I've walked their aisles, smelled their scents.' But I just responded with the required professionalism."[23]

> "The first week at the call center was the hardest. The constant juggle of speaking English, while surrounded by the sights and sounds of Mexico, was an emotional whirlwind. Every 'How can I help you today?' or 'Have a good day!' would sometimes come out choked, each word layered with memories of my life across the border (...) I recall this one instance when I was assisting a customer from Nevada. She started talking about a local festival she was excited about, one I used to attend. My heart clenched, a mixture of fond memories and a sense of loss. I wanted to jump in, share my memories, but had to stick to the script, keeping my personal history hidden behind a professional mask (...) funny how later on conversations during lunch breaks weren't just about the calls or the customers. They were almost like therapy sessions, filled with stories of lives like mine."[24]

On the other hand, these call centers also amplify the participants' sense of being 'in-between' – neither fully here nor there. Many expressed feeling like they were suspended in a liminal space, where they were engaging with U.S. clients and cultures daily, yet were physically rooted in Mexico, with all its attendant socio-cultural and economic realities. This duality presented both challenges and opportunities. Challenges, in the sense of continually confronting the emotional

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[22] Tanya Golash-Boza. "Punishment beyond the deportee: The collateral consequences of deportation." *American Behavioral Scientist* 63, no. 9 (2019): 1331-1349.
[23] TJ2, personal communication, April 2023.
[24] JZ2, personal communication, July 2023.

scars of deportation, and opportunities, in the sense of leveraging their bilingual and bicultural skills to carve a niche for themselves in the Mexican labor market. [25]

> "Every morning when I log in to my workstation, I find myself transported. It's like I'm floating between two realities, tethered by a headset. On one side, there's the America I left behind, present in every call I take, every customer I help. And then there's the undeniable truth of the Mexico around me, visible every time I look away from my computer screen or hear my colleagues chatting in Spanish during breaks. This in-betweenness, it's hard to explain. One moment, I'm helping a customer from Texas with their internet issues, and in the background, I hear my colleagues discussing which bar we'll go to after work. It's something that's both comforting and disconcerting. I often feel like I'm living trapped in a kind of purgatory. It's like being in two places at once, but belonging to neither (…) sometimes I also feel that my background also gives me an edge: my familiarity with American slang, my understanding of U.S. holidays, even my knowledge about American sports. It's a weird sort of pride, knowing that my past, which sometimes feels like a burden, can also be an asset."[26]

Fluidity of Identity

One of the compelling takeaways from the interviews is the concept of identity fluidity. Traditional notions of identity often hinge on fixed categories and clear demarcations. However, the narratives of our participants underscore that identity is far more fluid, evolving, and multifaceted. Post-deportation, many grapple with a duality of identity, continually oscillating between their Americanized selves and their re-emerging Mexican selves. Over time, however, many participants articulated a nuanced synthesis of these dual identities, creating a hybrid identity that draws from both their American and Mexican experiences. This identity fluidity, while challenging, also endows them with a unique perspective, enabling them to navigate both worlds with a heightened sense of empathy and understanding.[27]

> "At first I felt like I was leading a double life. When I talked to people back in the U.S., I'd slip into my 'American' persona – the accent, the slang, the humor (...) It was as if I was constantly switching between two personas, never feeling wholly authentic (...) as the months went by, I began to see that they weren't separate or opposed, almost as if they were layers of the same fabric (...) there are times I lead with my American self, other times with my Mexican self, but most times, it's a

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[25] Jesús Enríquez and Kelvin Monge. "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.
[26] TJ7, personal communication, April 2023.
[27] Linda Bosniak, "Multiple nationality and the postnational transformation of citizenship." In *Rights and Duties of Dual Nationals*, pp. 27-48. Brill Nijhoff, 2003.

delicate dance of both. It's not without its challenges, but it's also empowering (...) I've learned to embrace this fluid identity (...) It gives me an edge, an ability to understand and empathize."[28]

Navigating Prejudice and Stigma

Another dimension of post-deportation identity reconfiguration is the challenge of navigating societal prejudice and stigma. Returnees often confront negative perceptions, based on stereotypes or misconceptions associated with being deported. Such stigma can further complicate their reintegration journey, making them feel marginalized or ostracized in their communities. The call centers, in some cases, offer a sanctuary from this external prejudice, as they become spaces where shared experiences of deportation create an environment of mutual understanding and support.[29]

"When I first came back to Tijuana, it felt like everyone had a label ready for me – 'pinche deportado.' It was whispered behind my back, sometimes even to my face. People I'd known from childhood suddenly looked at me differently, like I had this mark of shame. Every conversation seemed tinged with an unspoken question, 'Why was he deported?' It's exhausting, you know? Constantly feeling the weight of other people's judgments, especially when they don't know the whole story (...) I thought finding a job would be a way out, but even employers saw that 'deportado' label before they saw my skills or experience. That's until I found the call center. It was a revelation. Walking in, I realized most of us had that shared history. We'd all been through the wringer, faced the same skepticism and prejudice. But inside those walls, we weren't just 'deportados.' We were skilled bilingual professionals, valued for our ability to bridge two worlds (...) The call center became more than a job; it was a haven. We'd swap stories during breaks, offer advice, or just listen. Because we understood. We knew the sting of judgment, the isolation of being cast out. But in that shared experience, we found solidarity. A bond that goes beyond just work. It's like a second family. Outside, the world might see us with prejudice. But inside, we have each other's backs, and that makes all the difference."[30]

"At first, I tried to integrate, to blend in. I reconnected with old friends, frequented familiar spots, and even tried my hand at local jobs. But the undertone was always there, this prevailing notion that being deported was synonymous with failure or

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[28] JZ12, personal communication, July 2023.
[29] Liza Schuster and Nassim Majidi. "Deportation stigma and re-migration." *Journal of Ethnic and Migration studies* 41, no. 4 (2015): 635-652.

[30] TJ13, personal communication, May 2023.

criminality (...) Then I started at the call center. The word 'deportation' transformed. Here, it wasn't a mark of shame but a badge of resilience. In the shared anecdotes over lunch breaks or the mutual nods of understanding when a U.S. customer mentioned a familiar place or event, there was a profound bond. Each of us was grappling with our bifurcated identities, and the call center became this in-between space. Here, the chatter in both English and Spanish wasn't just about assisting clients; it was a testament to our lived experiences on both sides of the border."[31]

Implications for Transnationalism and Diaspora Studies

The themes surfacing from these interviews contribute significantly to broader academic conversations around transnationalism and diaspora. Transnationalism, at its core, captures the lived experiences of individuals who traverse and maintain connections across national borders.[32] The returnees in our study embody this concept, not merely in the physical sense but in the intricate mesh of emotions, memories, and aspirations that span two distinct geographical and cultural territories.

> "It felt like I was ripped from a page of one story and pasted awkwardly onto another. Everything felt disjointed (...) the memories, tastes, and sounds of the U.S. were still fresh. It's hard to explain, but I felt both 'here' and 'there' simultaneously (...) And then I joined the call center, which, in an unexpected twist, became a tether to both worlds (...) It was as if I was leading this dual life – physically in Juarez, but emotionally and mentally oscillating between both countries (...) I did feel that something changed over the months though (...) something started drawing me in more to Mexico, and the bonds with my acquaintances here grew stronger (...) It's like being part of two worlds."[33]

The call centers play a pivotal role in reinforcing these transnational connections. Every interaction with an English-speaking client is a bridge to their past lives in the U.S., a tangible link that keeps their transnational identities alive. Over time, however, a subtle shift becomes apparent in the narratives. While the initial phases of reintegration are dominated by feelings of nostalgia and longing for the U.S., with time, there emerges a renewed appreciation for Mexican cultural and social landscapes. This oscillation between two cultural moorings is reminiscent of diaspora communities globally, who navigate the delicate balance of retaining their roots while assimilating into new socio-cultural milieus.[34]

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[31] TJ15, personal communication, May 2023.
[32] Steven Vertovec, *Transnationalism*. Routledge, 2009.
[33] JZ15, personal communication, July 2023.
[34] Avatar Brah. Cartographies of diaspora: Contesting identities. Routledge, 2005.

Negotiating Dual Affinities

The phenomenon of dual affinities, as unearthed from our data, highlights the profound complexity of human adaptation to abrupt socio-cultural shifts. This negotiation of affections and resentments towards two nations is not merely a matter of reconciling memories or past experiences; rather, it illustrates the deeply embedded cognitive and emotional processes that shape one's sense of self and belonging. Deportation, in essence, is not just a geographical dislocation but a dislodging of one's identity from its familiar terrains. Participants in our study did not view their affinities for the U.S. and Mexico as binary oppositions. Instead, these affinities were layered, sometimes overlapping, and at other times, distinct. For many, the U.S. represented formative experiences, opportunities, personal growth, and significant life milestones. Mexico, on the other hand, evoked foundational cultural roots, familial bonds, early memories, and a shared collective history.

> "When I think of the U.S., it's like thinking of my youth, my first job, my college days, my friends. It's where I grew (...) it molded much of who I am. But its abrupt departure from my life left a void that I'm still grappling with. It feels like a part of me was amputated (...) Mexico, on the other hand, is like an old song that brings back memories (...) the stories my abuelo told, the flavors of my childhood. It's where my roots are. Yet, when I returned here it felt... different. Like some pages were missing (...) People think it's black and white, that you either belong here or there. But it's not that simple." [35]

Enríquez and Monge[36] aptly highlight how individuals in transnational spaces often engage in adaptive strategies to foster a sense of belonging. Within our study's context, these adaptive strategies are multifaceted. For instance, some participants leaned into nostalgic reminiscence of their time in the U.S. to maintain a semblance of connection, while others actively sought out and rekindled bonds with local communities in Mexico to ground themselves in their present reality.

> "It's a daily dance, you know? At first, when I got here, all I could do was think about my life in the U.S. I'd remember the Sunday barbecues, my old neighborhood, the way the air felt during fall. Those memories kept me connected to a life that felt abruptly ripped away from me (...) with time, I realized that living entirely in the past

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[35] TJ8, personal communication, May 2023.
[36] Jesús Enríquez and Kelvin Monge. "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.

was eating away at my present. I couldn't keep myself in that headspace forever (...) I started to reconnect with my roots here in Mexico and thank God for my colleagues that underwent a similar thing, being with them really helped me to come to terms with my situation (...) those connections, they grounded me. It became a blend, you know? The memories of the U.S. gave me comfort, but the bonds I was creating here, they gave me strength and purpose. Both are a part of me, both shape my sense of belonging."[37]

Furthermore, the presence of resentment towards both nations is notable. It underscores the broader sociopolitical dimensions at play. While the U.S. might be a source of resentment due to the trauma of deportation and perceived rejection, Mexico could evoke similar feelings due to challenges faced during reintegration, societal stigma, or perceived gaps in institutional support.

"I mean, in the U.S., I built a life, had dreams, aspirations then, suddenly, that was all taken away. The deportation felt like a direct rejection, like being told you don't belong to a place you've called home for so long (...) yeah, there's resentment towards the States, not just for the act itself but for the whole system that allowed it (...) Mexico wasn't the homecoming I'd imagined obviously. People looked at me differently, like I was a foreigner in my own land. And the challenges of reintegrating... sometimes it felt like the system here wasn't designed to accept or support people like us. So, there's resentment here too. It's like being caught between two worlds, both pushing you away."[38]

The dual affinities articulated by our participants serve as poignant reminders of the resilience and fluidity of human identity. Even when faced with the profound disruption of deportation, individuals find ways to anchor themselves, drawing strength and solace from connections to both their native and host societies. This complex interplay between memory, identity, and belonging provides rich terrain for further exploration in migration studies, offering insights into the adaptive capacities of individuals in transnational contexts.

Towards a Hybrid Identity

The phenomenon of identity fluidity within transnational contexts presents an area of interest as central to our findings is the emergence of a hybrid identity, which, rather than subscribing solely to the traditional cultural paradigms of either country, seems to integrate elements from both. This synthesized identity does not merely represent a composite of its constituent cultures. Instead, it emerges as a

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[37] TJ6, personal communication, April 2023.
[38] JZ5, personal communication, July 2023.

distinct construct, indicative of the adaptive strategies individuals deploy in response to their multifaceted lived experiences. Bilingual call centers emerge as crucial arenas where this hybrid identity is continually negotiated. Interactions with English-speaking clientele may momentarily anchor participants to their experiences and associations with the U.S., even as the immediate contextual realities of working within Mexico influence their daily routines and professional conduct.

> "Every time I take a call jeez it's like I'm back in the States, talking to someone from a place I used to know. But then once it ends, I'm right back here in Juárez, with all its sounds and sights. It's like living in two worlds at the same time (...) I don't feel fully American or fully Mexican anymore. It's like I'm a mix of both now. I've got memories and experiences from both places that shape who I am (...) The call center? It's kinda like that, too. Talking to customers in English takes me back, but my coworkers, our jokes, our lunch breaks – that's all Mexico."[39]

Hall's discourse on cultural identity underscores its evolutionary nature, suggesting identity as 'becoming' rather than a fixed 'being'.[40] This perspective resonates with the observations made within this study. Each professional encounter or challenge offers participants an opportunity for introspection, potentially leading to shifts in their identity constructs.

> "Every call I take, every problem I solve, it makes me think. Makes me think about who I was (...) sometimes, it's the English I speak, the way I handle a client – it feels like the me from the States. But then, when I'm joking with my mates here or stepping out for a quick bite, it's the Mexican in me that shines (...) Life's thrown me here, but maybe it's giving me a chance to find out who I really am, in between all these changes, you know?"[41]

This exploration of identity within the microcosm of bilingual call centers emphasizes the interplay of culture within commercial sectors, as they stand, beyond their primary commercial functions, as sites where global forces converge, offering insights into the evolving narratives of self, community, and intercultural interactions in a globally connected era.

Relevance to Policy and Practice

The findings of our study also illuminate critical facets of post-deportation identity reconfiguration, shedding light on the multifaceted experiences of

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[39] JZ8, personal communication, July 2023.
[40] Stuart Hall. "Cultural Identity and Diaspora." In *Identity: Community, Culture, Difference*, edited by Jonathan Rutherford, 222-237. London: Lawrence & Wishart, 1990.
[41] TJ3, personal communication, April 2023.

deportees as they navigate the complexities of their new reality. These insights bear significant relevance to policy and program development. As governments and organizations deliberate on strategies for reintegration, an informed understanding of the lived experiences of deportees is paramount. By recognizing the complex dynamics at play, policies can be crafted with greater empathy and precision.

> "Man, you know, when I got deported, I thought that was it for me. I felt lost. But being part of this study, it's like someone's finally trying to get what we're going through. We ain't just numbers or problems to be dealt with; we've got stories, feelings, dreams. I hope the people up there making decisions can really understand what it's like for folks like us. If they get our experiences, maybe they can make things better for us, ya know? Make policies that help us fit back in, instead of feeling like outsiders in our own land. We just want a fair shot. We've been through a lot, and all we want is a little understanding and a chance to build our lives again."[42]

The role of bilingual call centers in this equation is particularly noteworthy. These establishments serve as both a professional platform and a socio-emotional anchor for many returnees. Thus, there exists an opportunity to design industry-specific interventions that are attuned to the unique needs of this demographic. For example, incorporating training modules that delve beyond mere skill enhancement to address the psychological intricacies of transnational living can be beneficial.

> "Working at the call center, it's been a lifeline for me since coming back. It's more than just a job; it's like a bridge between my two worlds, you get me? I'm here in Mexico, but every day I'm talking to folks from the U.S., dealing with their issues. It's wild, man. But it's not just about speaking English or handling customer complaints. We carry a lot of feelings and memories with us, you know? It would be cool if the folks running these places understood that. Maybe they could give us some training, not just on the job stuff but also on handling all the emotions and memories we got. If they did that, man, it would help a lot of us out, make us feel seen and valued, you know?"[43]

Moreover, creating environments within these centers that foster community and support can further augment the reintegration process. Spaces dedicated to storytelling, peer-to-peer exchanges, or access to counseling services can serve dual purposes: they can be a source of emotional solace, and they can also act as a crucible where shared experiences catalyze collective coping strategies, ensuring that returnees not only reintegrate professionally but also find avenues to heal, adapt, and thrive in their evolving contexts.

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[42] TJ14, personal communication, May 2023.
[43] JZ10, personal communication, July 2023.

Conclusions

Central to our findings is the phenomenon of identity fluidity within the transnational contexts. As previously discussed, identity is a continuous process of 'becoming'.[44] Deportees, ensconced in their dual affinities to both their native and host nations, often find themselves negotiating a maze of emotions and associations. Rather than adhering strictly to the cultural paradigms of either nation, many participants revealed the emergence of a hybrid identity. This newly formed identity does not simply stand as a composite of its parent cultures but emerges as a unique construct borne out of individual and collective adaptive strategies.[45]

Bilingual call centers have been observed as pivotal in this identity formation process.[46] These centers, while primarily serving as professional establishments, also function as socio-emotional anchors. Every interaction with an English-speaking client not only demands professional competency but also brings to the fore a plethora of emotions, memories, and reflections that contribute to an evolving sense of self.

Our findings also emphasize the need for impactful policy interventions. Understanding the multifaceted experiences of deportees is not merely an academic endeavor but holds profound implications for crafting effective and empathetic reintegration policies. An informed comprehension of deportee experiences, especially the emotional and psychological nuances, can guide governments and organizations in designing strategies that resonate with the actual needs of this demographic. The unique role of bilingual call centers offers an opportunity to design industry-specific interventions. These establishments can benefit from training programs that traverse beyond mere professional development. By incorporating modules that address the psychological intricacies of transnational living, such as the challenges of identity negotiation and the impact of past traumas, there's potential for more holistic employee development.

Furthermore, given the observed significance of these call centers as socio-emotional anchors, it becomes imperative to foster environments that cater to the

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[44] Stuart Hall. "Cultural Identity and Diaspora." In *Identity: Community, Culture, Difference*, edited by Jonathan Rutherford, 222-237. London: Lawrence & Wishart, 1990.
[45] Steven Vertovec. *Transnationalism*. Routledge, 2009.
[46] Jesús Enríquez and Kelvin Monge. "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.

emotional well-being of the employees. Spaces within these centers dedicated to peer support, counseling services, or even platforms for sharing stories can be instrumental in addressing the deeper psychological challenges faced by returnees. By addressing these challenges, the industry can not only enhance the well-being of its employees but potentially improve retention and overall job satisfaction.

On the other hand, resentment, as expressed by some participants, emerges as a salient theme and underscores broader sociopolitical dimensions. The sources of this resentment are multifaceted. While some trace it back to the trauma of deportation and the subsequent perceived rejection by the U.S., others associate it with the challenges of reintegration in Mexico. The presence of such sentiments highlights the need for policies to be crafted with a nuanced understanding of these underlying feelings. Recognizing the sociopolitical undertones also emphasizes the importance of facilitating platforms for open dialogue. Engaging returnees in policy-making discussions can pave the way for more inclusive and grounded strategies. Additionally, fostering community programs that focus on sensitizing the public about the complexities of deportation can play a role in reducing societal stigma.

Collaboration emerges as a keyword when contemplating the successful reintegration of deportees. Government agencies, private sector organizations, and civil society must come together to address the multifaceted challenges that returnees face. Given the pivotal role that bilingual call centers play, partnerships with these establishments can yield synergistic outcomes.

By aligning the objectives of call centers with broader reintegration initiatives, it becomes feasible to craft a seamless support ecosystem for returnees. Moreover, there's a profound opportunity for academic institutions to contribute. Through research, curriculum development, and community engagement programs, universities and colleges can actively participate in enriching the discourse around deportation and transnational identities. By facilitating platforms where empirical research meets real-world challenges, academic entities can contribute significantly to both policy formulation and effective ground-level interventions.

Our study also unveils several avenues for future research. Exploring the long-term impacts of working in bilingual call centers on the identity formation of deportees could provide deeper insights into the permanence or fluidity of these evolving identities. Additionally, comparative studies across different professional sectors might illuminate if the observed phenomena are unique to call centers or if they resonate across various employment landscapes. Lastly, the role of family

dynamics, especially in the context of split families due to deportation, emerges as an area warranting deeper exploration. How do familial bonds, especially with members still residing in the U.S., influence the identity negotiations and reintegration experiences of returnees?

It is essential to recognize that the journey of each deportee is deeply personal, shaped by a myriad of experiences, emotions, and external influences. While our study provides a macroscopic view of the trends and patterns, the micro-narratives remain pivotal in truly understanding the depth and breadth of the phenomena at hand. The adaptive strategies, the oscillation between dual affinities, and the quest for belonging provide a poignant reminder of the human spirit's resilience. As societies evolve and migration patterns continue to shift, it is our collective responsibility to ensure that the narratives of those caught in these transnational fluxes are not only heard but also actively integrated into broader socio-political and economic discourses. In the realm of ever-evolving global dynamics, understanding, empathy, and actionable insights remain our most potent tools to foster inclusive societies that celebrate diversity while nurturing a sense of belonging for all its members.

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Conflict of Interest Statement

The authors declare that they have conducted this research in the absence of any commercial, financial, or personal relationships that could be construed as potential conflicts of interest. All stages of data collection, analysis, interpretation, and manuscript writing were performed with integrity, objectivity, and transparency.

Any affiliations, funding sources, or associations that could influence or bias the research have been disclosed appropriately in the relevant sections. The authors declare that they have conducted this research in the absence of any commercial, financial, or personal relationships that could be construed as potential conflicts of interest. All stages of data collection, analysis, interpretation, and manuscript writing were performed with integrity, objectivity, and transparency. Any affiliations, funding sources, or associations that could influence or bias the research have been disclosed appropriately in the relevant sections.

References

Alarcón, Amado, and Josiah Heyman. "Bilingual call centers at the US-Mexico border: Location and linguistic markers of exploitability." *Language in Society* 42, no. 1 (2013): 1-21.

Alarcón, Rafael and Blanca Cordero. "Deportación y trabajadores transnacionales en la industria de los call centers en México." *Tla-melaua: revista de ciencias sociales* 13, no. 1 (2019): 120-142.

Anderson, Bridget, Matthew J. Gibney, and Emanuela Paoletti. "Citizenship, deportation and the boundaries of belonging." *Citizenship studies* 15, no. 5 (2011): 547-563.

Bosniak, Linda. "Multiple nationality and the postnational transformation of citizenship." In *Rights and Duties of Dual Nationals*, pp. 27-48. Brill Nijhoff, 2003.

Brah, Avtar. *Cartographies of diaspora: Contesting identities*. Routledge, 2005.

Clarke, Victoria, and Virginia Braun. "Thematic analysis: a practical guide." *Thematic Analysis* (2021): 1-100.

De Genova, Nicholas, and Nathalie Peutz. "The deportation regime." *Sovereignty, space, and the freedom of movement. Durham, NC* (2010).

Enríquez, Jesús and Kelvin Monge. "La vida de aquellos que fueron expulsados. El curso migración-deportación de mexicanos laborando en Call Centers en Hermosillo, Sonora." *Huellas de la Migración* 6, no. 12 (2022): 67-103.

Golash-Boza, Tanya. "Punishment beyond the deportee: The collateral consequences of deportation." *American Behavioral Scientist* 63, no. 9 (2019): 1331-1349.

Hall, Stuart. "Cultural Identity and Diaspora." In *Identity: Community, Culture, Difference*, edited by Jonathan Rutherford, 222-237. London: Lawrence & Wishart, 1990.

Hamilton, Erin, Pedro Orraca and Eunice Vargas. "Legal Status, Deportation, and the Health of Returned Migrants from the USA to Mexico." *Population Research and Policy Review* 42, no. 2 (2023): 16.

Jaworsky, Bernadette, Peggy Levitt, Wendy Cadge, Jessica Hejtmanek, and Sara R. Curran. "New perspectives on immigrant contexts of reception: The cultural armature of cities." *Nordic Journal of Migration Research* 2, no. 1 (2012): 78.

Menjívar, Cecilia. "Immigrant criminalization in law and the media: Effects on Latino immigrant workers' identities in Arizona." *American Behavioral Scientist* 60, no. 5-6 (2016): 597-616.

Schuster, Liza, and Nassim Majidi. "What happens post-deportation? The experience of deported Afghans." *Migration studies* 1, no. 2 (2013): 221-240.

Schuster, Liza, and Nassim Majidi. "Deportation stigma and re-migration." *Journal of Ethnic and Migration studies* 41, no. 4 (2015): 635-652.

Sherman-Stokes, Sarah. "Public health and the power to exclude: Immigrant expulsions at the border." *Geo. Immigr. LJ* 36 (2021): 261.

Turner, Victor. 1969. *The Ritual Process: Structure and Anti-Structure*. Chicago: Aldine Publishing.

Vertovec, Steven. "Transnationalism and identity." *Journal of Ethnic and Migration studies* 27, no. 4 (2001): 573-582.

Vertovec, Steven. *Transnationalism*. Routledge, 2009.

Leveraging Open Source Development Value to Increase Freedom of Movement of Highly Qualified Personnel

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Abstract. It is now well established that a nation's university-educated highly qualified personnel (HQP) population has a clear positive benefit on economic development by improving labor force efficiency and productivity. Yet HQP mobility is often restricted, particularly for economically-poor undocumented HQP. In order to overcome the challenges of mobility for both traditional and undocumented HQP, this study evaluates how the use of open source (OS) development and documentation can overcome barriers to HQP mobility to benefit society. Case studies are provided for software and hardware. Then mechanisms of incentives for OS development to benefit the global commons are evaluated against the case studies. The results show that even modest contributions to open source development can result in substantial value and high societal ROIs, which are more than enough to justify funding HQP mobility by all three mechanisms. The ROIs for popular free software can range into the millions of percent, while for free and open source hardware the ROI is still high, but more modest (>10-1,000%) and more closely tied to the market value of the product. The mechanisms introduced in this study could serve as tools to reward OS contributions by HQP and grant them greater freedom of movement.

1. Introduction

The term 'highly qualified personnel' or HQP has historically referred to the educated elite of a country – those with at least a bachelors' degree or higher level of educational attainment. It is now well established from decades of international analysis that increasing the size of a nation's HQP labor force and the concomitant training system has a clear positive effect on economic development and that science and technology training of HQP in particular are valuable forms of human capital that improve labor force efficiency and productivity (Schultz, 1961;1963; Jones, 1971; Blundell, et al.,1999; Psacharopoulos, 1981; 1985; 1994). In modern

knowledge-based economies, the inter-country movement of HQP brings value as they supply work-shortages in the receiving country, as well as increased knowledge to their home country on return (Gera & Songsakul, 2005). At a larger scale, the mobility of HQP not only benefits the global economy, but can also improves efficiency in receiving and sending institutions or countries since it reduces the duplication in research and development (R&D) (Gera & Songsakul, 2005). Wadhwa et al. showed that not only do foreigners play an important role in creating value for firms, but that more than 25% of technology related companies established between 1995 and 2005 in the U.S. had an immigrant as a key founder (2007). Aside from benefiting the receiving country, the flow of immigration strengthens the bilateral trade between skilled workers' source county and receiving country (Jansen & Piermartini, 2009). Temporary migrants have more impact on reducing transaction costs in bilateral trade compared to permanent migrants because their knowledge is more up-to-date (Jansen & Piermartini, 2009). International mobility also promotes the concentration of public science in the sending country since those visiting scientists engaged in knowledge and technology transfer (KTT) between the firms in their source countries and foreign institutions serve as a driver for increases in scientific and technical human capital in their home countries (Edler et al., 2011). Research as also found a positive impact of foreign skilled workers on industrial and public knowledge, and that international HQP boosts the average productivity of their domestic peers (Bosetti et al., 2015).

Despite these benefits of HQP mobility, policies often restrict them. For example, in the United States of America (U.S.) in 2004, the cap of H1B applications was decreased from 195,000 to 65,000, which greatly deterred the employment of some HQP from other countries (Mayda et al., 2018). The cap for H1B applicant in fiscal year 2021 is still 65,000 with an additional 20,000 for applicants with a masters' degree or above, yet the number of applications received in fiscal year 2021 was 274,237 (USCIS, 2021). The current system also limits H1B applicants' mobility as employers must pay fee to sponsor foreign workers' paper work every time they change jobs, which results in market underestimation of fair salaries for effected positions (Trimbach, 2016). Due to limited mobility of hired H1-B applicants, they are willing to work for a lower wage in order to stay in the receiving country and because of this, natives can be displaced by over-qualified international workers (Hira, 2007). This further prevents native workers from entering the market as the suggested wage shown are artificially low due to pressure from international workers

(Trimbach, 2016). It was found, however, that flow of immigrants post a minimum effect on wages and employment for the natives (Raphael & Ronconi, 2007). Rodrik thus argues that the U.S. government spent too many resources on preventing potential immigrants from entering the U.S. (2002). To benefit a home country's economy, an incentive for skilled workers to return to their home country is needed, and when the policy is too restrictive, immigrants do not tend to go back to their home country, which stagnates the economic growth of the home country (Ouaked, 2002). Ideally such stagnation is avoided so the general education level is raised by receiving skilled workers returning from destination countries to help the development of the source country (Ouaked, 2002). Not only do strict policies limit the mobility of skilled workers in the destination country, the existence of such immigration controls also generates the impression that foreigners are different and should not be integrated, which may cause unnecessary social problems (Pécoud & Guchteneire, 2006). Kato & Sparber found that the restrictive policy on H1-B visa posts a negative effect on incoming high-quality international students, as shown by a decline in international applicants' score on standardized tests, and this negatively affect the class experience of native university students (2011). It is clear that states ought to work together to build connections between each other instead of barriers to complicate the integration of all nationals, and eventually reaching a win-win situation for both sending and receiving countries (Wickramasekara, 2008).

Although allowing freedom of movement of HQP has been shown to be beneficial for a country's economy and development, there are many individuals that can not even use the current system. These 'undocumented HQP' lack access to capital and educational verification to even be considered in the sub-optimal processes discussed above. Wealthy undocumented HQP can obtain visas by investing in a company that guarantees a certain number of jobs. For example, in the U.S., other than applying for a green card while under H1B visas, foreigners are eligible to apply for a green card if the individual invests in a qualifying commercial enterprise without borrowing with a minimum capital investment of $1.8 million or $0.9 million in a high-unemployment or rural area, considered a targeted employment area. In addition, this investment is required to provide 10 full-time jobs for U.S. citizens, lawful permanent resident, or other immigrants authorized within two years (Immigrant Investor Visas, 2021). Poor undocumented HQP do not have the capital for this option as the primary reason they lack documentation is from the cost of formal schooling (Breno et al., 2017; Wiley et al., 2012).

In order to overcome the challenges of mobility for both traditional HQP and undocumented HQP, this study evaluates the use of open source (OS) development to overcome barriers to HQP mobility, which in turn can benefit all of society. First, OS is defined and means for quantifying the value of contributions for OS development are reviewed for both individual developer-based projects and mass-collaboration-based projects using case studies as examples for free and open source software (FOSS) and hardware (FOSH). Then three mechanisms are investigated to offer incentives for OS development to benefit the global commons: i) NPO funding of a visa from a percent return from OS savings, ii) treatment of OS developers as an investor-class immigrant to pay them back for past contributions, and iii) ROI for OS development used to justify direct investment at the national scale. The results of the values and ROIs for the case studies are applied and the implications of applying these mechanisms to OS development and HQP mobility in the context of freedom of movement policy are discussed.

2. Methods

2.1 Means of Quantification of Value of OS

Free and open source software (FOSS) is available in source code (open source) form, and can be used, studied, copied, modified and redistributed without restriction, or with restrictions that only ensure that further recipients have the same rights as those under which it was obtained.

With the majority of large companies now contributing to open source software projects (LeChair, 2016), it has become a dominant form of technical development because it is superior form of technical development (Raymond, 1999; Lee et al.,. 2009; Herstatt, C. and Ehls, 2015). 100% of supercomputers (Vaughan-Nichols, 2018) and 90% of cloud servers run open source operating systems (i.e. Facebook, Twitter, Walmart, Wikipedia, Yahoo, Youtube or Amazon use machines running FOSS) (Hiteshdawda, 2020). FOSS is used widely in the business world where 90% of the Fortune Global 500 use the open-source Linux operating system (Parloff, 2013). In addition, over 84% of the global smartphone market is open source, using Google's Android operating system (IDC, 2020), and more than 80% of the "internet of things" (IOT) devices also use FOSS (Eclipse, 2019).

Free and open source hardware (FOSH) builds on the same sharing philosophy and rights of users that underlies the success of FOSS (Powell, 2012; Gibb,

2014). As defined by the Open Source Hardware Association (OSHWA), FOSH is hardware whose design is shared publicly so that anyone can study, modify, distribute, make, and sell the design or hardware based on the design (2021). Thus, both FOSS and FOSH go beyond open access, granting users substantial freedoms to build on the intellectual work of others. FOSH provides the "source code" for physical hardware including the bill of materials (BOMs), schematics, computer aided designs (CAD), and other information such as detailed instructions needed to recreate a physical item. As well established in FOSS development, research-related FOSH is now demonstrating improved product innovation (Yip & Forsslund, 2017). FOSH is rapidly gaining momentum and trails behind the historical rise of FOSS by about 15 years (Pearce, 2018). Together FOSS and FOSH development will be referred to under the umbrella 'OS' term and the value of the OS development will be quantified by comparing OS products to proprietary commercial products of similar or lesser quality. A quantified value of OS development can be compared to the cost of HQP mobility.

2.1.1 Downloaded Substitution Value FOSS and FOSH Individual

In order for OS contributors to be identified and rewarded for the value they generate, the download substitution value method (Pearce, 2015) can be used to determine the minimum value of an open source product (either software (FOSS) or hardware (FOSH)) at a given time (t) by:

$$V_D(t) = \left(C_p - C_f\right) * P * N_D(t) \qquad [\$] \qquad (1)$$

Where C_p is the cost to purchase a commercial physical product for FOSH or for FOSS the commercial software cost to perform certain tasks. C_f is the marginal cost to fabricate the FOSH or use a FOSS (which will likely be zero, unlike hardware, as additional purchases are generally unnecessary to operate software). N_D is the number of downloads at a certain time given time, t. This value can be acquired from most OS repositories. P is the percent of downloads that result in actual application of the FOSH or FOSS. P is normally assumed to be 1, but there can be an error in P as downloading a design for a hardware or software code does not guarantee manufacturing of the FOSH or using the FOSS. On the other hand, a single download may potentially result in multiple fabrications and many software users by sharing via digital tools (i.e. emails, memory sticks or P2P websites). For cases where the

FOSS or FOSH can be a direct substitute for a single time purchased product the calculations are straight forward, particularly if a single contributor develops the open source product.

This approach becomes complicated in the case of software (and to a perhaps concerning trend in hardware as well) when users do not own the product. Instead individual users pay a monthly or yearly subscription fee. For example, Microsoft (2021) offers education plans for students from free to $6 per user per month with different accessibility and services, or for faculty members from free to $8 per user per month with different accessibility and services. Similarly for the various more specialized design and manufacturing software tools from Siemens (2020), the price ranges from $169 - $695 per month.

In these cases, the downloaded substitution value can be given by:

$$V_{DM}(t) = \left(C_M - C_f\right) * M * P * N_D(t) \qquad [\$] \qquad (2)$$

Where M is the number of months the software or hardware is used. M can be easily provided by the licensing provider if the software or hardware is operated online. If users' activities are not traceable when the OS product is being operated offline, M may be obtained by a survey sent out to a statistically-relevant number of the down-loaders whose emails are recorded upon downloading to determine the usage on this particular FOSS or FOSH. The frequency of usage does not influence the valuation of the OS product since paying a monthly does not necessarily mean a user will frequently use the product.

2.1.2 Value of contribution on mass collaboration projects

Equations 1 and 2 are straight forward for cases where an individual develops the entire FOSH or FOSS on his or her own. Many libre projects, however, are developed by teams of many individuals over long periods of time as developers built upon one another's work. To capture input efforts of an individual, the downloaded substitution value for an individual is given by:

$$V_{idv}(T) = \frac{T_{idv}}{T_{total}} * V_{DM}(t) \qquad [\$] \qquad (3)$$

T_{idv} represents the person-hour of a contributor. T_{total} represents the total amount of person-hour needed to develop the FOSS or FOSH assuming everyone's time is equivalent. This may be the case if, for example, the libre product is being developed by roughly equivalently skilled and dedicated people. There is precedence for thinking that everyone's time is equivalent (Jacob et al., 2004a;b). In most cases, even among specific types of developers, however, everyone's contributions are not equal (e.g. some programmers are faster than others and are less likely to make mistakes). In these cases, $V_{idv}(L)$ can be approximated by the pro-rated number of lines of code contributed:

$$V_{idv}(L) = \frac{L_{idv}}{L_{total}} * V_{DM}(t) \qquad [\$] \qquad (4)$$

L_{total} is the number of total source line of code written. L_{idv} is the number course line of code written by one contributor. This formula is only a first approximations, as it is well established that not all coders are equal (Bryan, 1994), some of the best code is efficient and uses few lines, however, that does not necessarily indicate the value of the code in the future. To maintain and reuse a code between different platforms, readability of a code is also an important factor to be considered (Tashtoush et al., 2013; Buse & Weimer 2010). Thus, the number of lines of code do not necessarily correlate with a developer's contribution. Somewhat ironically, Kozloski et al. (2019) filed a patent to record and analyze programmers' contributions in a collaborated environment using the cryptocurrency system Bitcoin uses to securely manage the data input and synchronize all the transactions to ensure no repeated transaction of codes are validated, which prevents double counting of similar input (although specific ways to quantify the contribution was not discussed).

Equation 4 could be further refined if considering how much error does one contributor's code has or how efficient that contributor's coding is in practice. The role system from Sensorica's benefit redistribution algorithm could be considered into this formula above, the more scarce one's skill is in a project, that person will get a higher multiplier based on his/her original amount of work of time-hour.

The contribution of an individual in a FOSS project could also be captured by the digital size of his/her input. This method will eliminate the disparities discussed earlier about the inequality in time effort. Error, however, is also present as different sections of code serves different purposes, some will inhabit a larger size just due to

its role in the structure, etc. The value $V_{idv}(S)$ of an individual could be measure by:

$$V_{idv}(S) = \frac{S_{idv}}{S_{total}} * V_{DM}(t) \qquad\qquad [\$] \qquad\qquad (5)$$

Here S_{idv} is the digital size of a developer's input, and S_{total} is the digital size of the entire project measured in bytes.

Implementing the methods discussed above, it could be estimated how much work an individual has put in and what value he/she has created. This value is to be recorded for that particular contributor (i.e. HQP) and could be used with mechanism described in a later session to qualify this personnel and grant him/her privilege.

To further increase the attention on collaborative OS projects, Frangos et al. (2017) analyzed a collaboration between Sensorica, an online community base on peer to peer production and an academic laboratory. From Sensorica's Q&A session, they now offer money to the contributors if the project they join is already creating revenue, and they have a formula to estimate a role's contribution which will be introduced later in the article (Sensorica, 2021). If one contributor is more interested in social values, he/she can apply for grants to pay for their contributions towards the social impact they can produce (Sensorica, 2021). Sensorica also encourages redundancy in important roles so they can make sure there is always one person to react quickly to any upcoming challenges (Sensorica, 2021). To determine value Sensorica uses:

$$V_{Sensorica} = F * P * Ea(t) * Rep(t) \sum_i Ro_i\, C_i - \sum_j D_j \qquad [\$] \qquad (6)$$

Where F represents a measure of frequency of someone's contributions, the higher one's contribution occur, the higher F will be. P represents periodicity that measures the predictability of someone's contribution, the more predictable someone's work is, the higher this value will be. Ea measures the earliness of someone's engagement of a project and is a function of time. Rep measures the peer evaluated reputation as a function of time. Ro represents the role of a certain contributor, such as how complex is the skill performed by that individual and how much the project needs it, different type of jobs has a different rate for Ro. C represents any measurable contribution. D represents estimated damage, i.e. any

penalty if one's work is not meeting a certain standard and becomes detrimental to a project. All of these factors are subjective to some degree, making the method extremely difficult to use in analysis for those external to a project. Although ROI is considered in Sensorica's discussion towards the algorithm, it can be observed that to distribute the revenue created by a project any potential social impact is not converted into some sort of currency and is also hard to achieve. In OS, many contributors are potential users of the product they are developing, The overall societal value of open source development is not captured by Sensorica's model, as it focuses primarily on paying developers from the revenue generated.

2.1.3 Return on Investment (ROI)

In the original determination of the ROI for developing open source products is given by (Pearce, 2016):

$$R_D(t) = \frac{V_D(t) - I}{I} \qquad\qquad [\%] \qquad\qquad (7)$$

where I represent the cost to develop a FOSH tool or FOSS. This can be augmented to provide the value as a function of monthly usage:

$$R_{DM}(t) = \frac{V_{DM}(t) - I}{I} \qquad\qquad [\%] \qquad\qquad (8)$$

Here, the interest in developing an ROI for society (R_{soc}), where the investment is not the development cost, but the cost to allow free motion of an FOSH/FOSS developer thus:

$$R_{socT}(t) = \frac{V_D(t) - I_{soc}}{I_{soc}} \qquad\qquad [\%] \qquad\qquad (9)$$

$$R_{socM}(t) = \frac{V_{DM}(t) - I_{soc}}{I_{soc}} \qquad\qquad [\%] \qquad\qquad (10)$$

Where I_{soc} is the social cost of allowing free movement to an OS developer. $R_{soc\,(T\,or\,M)}$ measures the benefits a particular individual brings to the society and the cost to the society to make this individual mobile between countries. Social cost could be estimated by the average amount of money government spends on human services per taxpayer. According to the archives from the U.S. Office of Management and Budget (The White House, 2021), in 2021, the proposed budget for basic human services (e.g. social security, medicare, non-defense) is $3,689 billion and as the U.S. population is estimated to be around 330 million (U.S. Census Bureau, 2021) the cost

of providing basic services to every taxpayer is \$11,179. This provides the potential cost per year for each HQP admitted. Further the cost to admit one HQP to the U.S. can be estimated as a cost to admit one immigrant. In Simon's analysis, since immigrants do not have elderly dependents and children when they first settle, they appear as a surplus for the community as no services are claimed for their dependents while they contribute for the society (1984). Treating immigrant families as investments, which is a concept supported by Simon (1984), where they were considered an investment worth between \$15,000 and \$20,000 in 1984, using an average annual inflation rate of 2.52%, they are worth between \$38,610 and \$51,480 in 2021. This would indicate that the average immigrant is already a net positive ROI and this conjecture is supported by recent studies (Borjas, 1995; Barrett & McCarthy, 2007;Sherman et al. 2019). In the case described here the net benefit would be higher due to OS design value. It can be reasonably expected that HQPs will consume even less from public services than an average immigrant. Taxes towards education, elders, and medicare are less likely to apply in the case of a mobile HQP, so the estimated social cost of \$11,179 used here is clearly an overestimation.

There are also administrative costs for governmental institutions to admit or send a single person. These costs are normally paid by the immigrant (e.g. the material and processing fee for a visa). For example, the visa to enter United States is \$160 (U.S. Department of State, 2020) and will thus be ignored here.

In the simple case the partial value and partial ROI generated by one contributor could be obtained by:

$$R_{socT}(T,L,S) = \frac{\sum_i\left(\frac{T_{idv}}{T_{total}}*V_D(t)\right)-I_{soc}}{I_{soc}}, \frac{\sum_i\left(\frac{L_{idv}}{L_{total}}*V_D(t)\right)-I_{soc}}{I_{soc}}, \frac{\sum_i\left(\frac{S_{idv}}{S_{total}}*V_D(t)\right)-I_{soc}}{I_{soc}} \;[\%] \;\;11)$$

$$R_{socM}(T,L,S) = \frac{\sum_i\left(\frac{T_{idv}}{T_{total}}*V_{DM}(t)\right)-I_{soc}}{I_{soc}}, \frac{\sum_i\left(\frac{L_{idv}}{L_{total}}*V_{DM}(t)\right)-I_{soc}}{I_{soc}}, \frac{\sum_i\left(\frac{S_{idv}}{S_{total}}*V_{DM}(t)\right)-I_{soc}}{I_{soc}}$$

[%] (12)

The actual impact of ROI will be larger than only considering monetary terms with positive addition of social returns that further encourage the development of similar products. An OS developer may also work on multiple projects that will increase the value of ROI_soc he/she creates because it is the sum of all i. Though the

value of the sum of all i can be conservatively as an underestimation which leads to a higher ROI_{soc}. Further evidence that this is an underestimate is the fact that knowledge spillover is commonly observed between collaborated projects and especially in open source development (although the level of spillover does not guarantee the success of a OSS project) (Fershtman & Gandal, 2011). Knowledge spillover is clearly present, however, they are not measured in the above equations. Thus, the ROI_{soc} calculated by the above equations is an underestimation.

Finally, it should be noted, that the download substitution value is an underestimation the value of an open source product as it can be safely assumed the item downloaded is used at least once and possibly more as well as the additional value of using it (e.g. when used for educational purposes (Schelly, et al., 2015), etc.). Long term future impact of OS projects should be weighted in addition to the current needs of them.

2.2 Case Studies

Popular open source software and hardware with reliable download statistics are chosen as case studies including: Apache Open Office (mass use software), FreeCAD (specialty software), and Open Shot (special-mass use) for FOSS. Similarly to FOSS, case studies are done for FOSH, where the value is estimated by equation (1). For FOSH a selection of simple consumer products was chosen that increased in complexity and price including a bottle opener, phone stand, bicycle phone holder, and glidecam. Next a high-end scientific / medical product was selected as an open source syringe pump and finally a disposable product: face shield. Download statistics for FOSS are obtained from SourceForge (SourceForce, 2021a), an open-source and business software distribution website. Download statistics for FOSH are obtained from YouMagine and MyMiniFactory (MyMiniFactory, 2021; YouMagine, 2021a), they are both open-source designs and 3-D design distribution websites.

3. Results

Using the methods outlined in section 2.1 the results of the caste studies selected in section 2.2 are detailed here.

3.1 Apache Open Office

Apache Open Office (Apache Open Office, 2021) is a leading OSS providing services similar to Microsoft 365 and other home office suite. Its total download count is 328,300,938 times on various platforms from 2011 to 2021 (SourceForge, 2021b). The monthly licensing fee for its equivalent software are found to be from $4 to $57 per month (Microsoft, 2021; Polaris, 2021; Zoho, 2021). Using equation (2), assuming all downloads result in at least one month of service (M=1, P=1), the range of savings generated is from $1,313,203,752 to $18,713,153,466. GitHub provides useful information regarding to the contribution of all participating developers. From the repository of Apache Open Office in GitHub, top 23 contributors have added 8,695,198 lines of code (GitHub, 2021a). The lines added by the top contributor is recorded to be 4,108,713 lines of code, which is 47.25% of total lines of code added. Using equation (4), the top contributor's effort in terms of saving is ranged from over $620 million to over $8.8 billion. For this contributor, his/her ROIsoc could be calculated by equation (10), which results in a ROIsoc ranged from 55,507% to 790,988%. The potential return on investment for society to support major contributors to any open source project are clearly enormous.

Alternative way to estimate the value represented by Apache Open Office is to treat every download as a full purchase of the equivalent software package. Most software companies release a new version in disk or as a CD key every year which functions permanently, but does not get updated like an online version. Retailers like Walmart or Best Buy distribute those 'hard copies' of software. For Microsoft Office 2019, the prices ranges from $130 to $250 with various additional services (Walmart, 2021). Using equation (1), while treating C_p as the cost to purchase a commercial product and C_f is zero since it is free to download and use the Apache Open Office. The resultant savings range from $42.7 billion to $82.1 billion. Inserting these values into equation (4), the top contributor's corresponding effort ranges from $20.2 billion to $38.8 billion, which results in a ROIsoc ranged from 1,804,009% to 3,469,248%! Again, these numbers are higher than before by two more orders of magnitude and probably closer to reality as most software users use core software like Office for more than one month.

3.2 FreeCAD

Do the same returns exist for specialty software? To probe this question, FreeCAD is used as a second example. FreeCAD is an open source parametric

modeler (FreeCAD, 2021). Its download statistics are obtained from SourceForge to be 4,521,065 times from 2002-2021 (SourceForge, 2021c). The monthly licensing fee for equivalent software is found to be from $24.92 to $690 per month (AutoCad, 2021; NX, 2021). Using equation (1), assuming all downloads result in at least one month of service (M=1, P=1), the range of savings generated from $112,714,779.80 to $3,120,914,850. From the repository of FreeCAD in GitHub, the top 100 contributors have added 8,695,198 lines of code (GitHub, 2021b). The lines added by the top contributor is recorded to be 8,199,209 lines of code, which is 64.6% of total lines of code. Using equation (4), the top contributor's effort in terms of saving is ranged from $72,820,580.95 to $2,016,300,194.90. For this contributor, his/her ROIsoc could be calculated by equation (10), which results in a ROIsoc ranged from 6,513% to 180,364%. These values are not as high as with general purpose software, which is reasonable as to use those software require certain knowledge, but the number is still substantial. The alternative calculation based on one-time purchasing could also be applied on CAD software. Some CAD software companies offer a perpetual license, it is considered more expensive in a short period, but saves users money in a long run. Unlike an office suite, however, the functionalities of a CAD software changes more often. So perpetual licensed CAD software are not as common as other software (Darren, 2021). Equivalent CAD software that are still offering perpetual licensed product have prices ranging from $250 - $1,100 for CorelCAD and TurboCAD, respectively (CorelCAD, 2021; TurboCAD, 2021). Using equation (1), while treating C_p as the cost to purchase a commercial product and C_f is zero since it is free to download and use. The resultant savings range from $1.1 billion to about $5 billion. Inserting these values into equation (4), the top contributor's corresponding effort ranges from $730.5 billion to - $3.2 billion. Which results in a ROIsoc ranged from 65,349% to 287,537%.

3.3 OpenShot

OpenShot is an open source video editor that was first launched in 2008 (Openshot Video Editor, 2021). Its download statistics are partially reflected on SourceForge to be 14,715 time from 2020 to 2021 (SourceForge, 2021d). This download statistic is an unquestionable underestimation as it only includes less than on year. The monthly licensing fee for equivalent software ranges from $4.33 to $20.99 (Adobe, 2021; CyberLink, 2021). The one-time purchase price for equivalent application ranges from $99.99 to $139.99 (CyberLink, 2021). Using equation (2) with

same assumption (M=1, P=1), the value for one-month usage case ranges from $63,716 to $308,868. Its repository in GitHub shows a total number of added line by top 31 contributors to be 10,250,778 lines (GitHub, 2021c). The top contributor is identified and the corresponding number of added lines is 8,719,690 lines. The top contributor's effort is calculated using equation (4), which ranges from $54,199 to $262,734 for monthly usage case and $1,251,587 to $1,752,272 for one-time purchase case. The corresponding ROIsoc is from 384% to 2250% for monthly-usage case and 11,096% to 15,575% for one-time purchase case. The study cases for median and average user is computed the same way and presented in the result section. Note the download statistics only recorded approximately one year of the transaction (2020-2021), but the software was launched in year 2008. This could explain the relatively low ROIsoc compared to other FOSS and FOSH.

3.4 Simple Consumer Devices
3.4.1 Smart One Handed Bottle Opener

Smart One Handed Bottle Opener was chosen for a FOSH study case of a common product. Its download statistics are obtained to be 7,888 times on YouMagine (YouMagine, 2021c). Its equivalent products are identified and their price ranges from $2.99 to $20 (Amazon, 2021a; Amazon, 2021b; GrabOpener, 2021). The amount of filament required to print this object is 12 g, using $24.99 as the price of 1kg PLA filament, the corresponding cost to produce this object is $0.30 (Hatchbox, 2021). Using equation (1), the value of this bottle opener ranges from $21,219.67 to $155,394.55. The corresponding ROIsoc for its designer is obtained by equation (9), which ranges from 89% to 1,290%.

3.4.2 Phone Stand

A 3-D-printable phone stand is a relatively common product, published on MyMiniFactory and downloaded 8,997 times (MyMiniFactory, 2021c). It takes 29g of filament to print, which results in a material cost of $0.73 (Hatchbox, 2021). The commercial equivalent ranges in price from from $4.99 to $10.99 (Amazon, 2021c; 2021d). Using equation (1), the corresponding value of this phone stand ranges from $38,374 to $92,356. Its ROIsoc is calculated by equation (9), which ranges from 243% to 726%.

3.4.3 Bicycle Phone Holder

Similarly, a bicycle phone holder is a 3-D-printable design on YouMagine that has been downloaded 2,055 times (YouMagine, 2021d). The amount of filament required is 18 grams without and 21 grams with support which corresponds to $0.45 to $0.52 of a common PLA filament (HATCHBOX, 2021). The price of its commercial equivalent is between $13.99 to $29.99 (Amazon, 2021e; 2021f). Using equation (1), its corresponding value ranges from $27,671 to $60,705. Using equation (9), the ROIsoc is obtained and ranges from 148% to 443%.

3.4.4. Glidecam

Another popular design is a 3-D-printable glidecam, which represents a more specialized product, and has been downloaded 15,241 times (YouMagine, 2021e). Although only 191g of filament are needed for the part the designer suggests that 500 g will be needed because of supports and higher infill percentages. This quantity is used to calculate the lower bound of the value (YouMagine, 2021e). The other components like bolts, screws, and aluminum tube cost around $30 (AliExpress, 2021; Amazon, 2021g; 2021h), which makes the open source glidecam's costs between $66 to $799 (Amazon, 2021i; 2021j). Using equation (1), this produces a downloaded substitution value from $359,188 to $11,648,683 and using equation (9), the ROIsoc ranges from 3,113% to 104,101%.

3.5 Open Source Syringe Pump

An open source syringe pump (OSSP) was used as a specialty product. It wasdesigned on open source CAD software and can be manufactured by an open source 3-D printer, which results in a similar functionality of a commercial syringe pump with a cost of only 5% or less (Wijnen, 2014). The download statistics can be found on its online repository, 613 times on MyMiniFactory and 8,714 times on YouMagine (MyMiniFactory, 2021b; YouMagine, 2021b). The total number of downloads is N_D = 9,327 times. C_p, ranges from $260 - $1509 for a single pump and $1,800 - $2,606 for a dual pump (Wijnen, 2014). C_f, for the materials for a single OSSP is $97 and for the double OSSP is $154 (Wijnen, 2014). Assembling OSSP upon printing does not require any specific skills and it takes less than an hour. $10 is

added into the cost for assembling. P is assumed to be one. Although a download does not guarantee a fabrication, the actual P could be significantly greater if digital file is exchanged without being recorded and fabricated in the end. This results in a value of $1,427,031 to $13,076,545 for single pumps and $15,258,972 to $22,776,534 for dual pumps. The online repository did not contain any information regarding to each co-author's contribution on OSSP, so the average value is given for each contributor to analyze their credit and ROIs. The average value for each contributor ranges from $356,758 to $3,267,114 for single pumps and $3,814,743 to $5,694,134 for dual pumps. The average ROIsoc ranges from 3,091% to 29,143% for single pumps and 34,024% to 50,836% for dual pumps. Overall the value shows that the value for specialized scientific and medical FOSH is relatively low compared to more general use FOSS. This hardware also requires advanced skills to both fabricate and use, which presents a barrier to technical diffusion.

3.6 Face Shields

Lastly, a protective face shield (protective visor) for use during the COVID-19 pandemic as personal protective equipment (PPE) designed by Eric Cederberg has been downloaded 74,482 times (YouMagine, 2021f). The amount of filament needed for the visor is around 14 grams, which is about $0.35 of PLA filament (Hatchbox, 2021). Price of a roll of clear vinyl used to attach on the 3-D printed frame is found to be $16.74, which is $1.51 per A4 size sheet for each face shield (ePlastics, 2021). The total cost for making a face shield is then $1.86. The commercial equivalent of this product cost between $3 to $9.95 (Amazon, 2021k; 2021l). Using equation (1), it produces a downloaded substitution value from $84,840 to $602,490. Using equation (9), the ROIsoc ranges from 659% to 5,289%. These values and ROIsoc are extreme underestimates, however, because during the pandemic many makers went into mini-mass-production to provide PPE for local hospitals and others.

3.6.1 Mini-Mass Production

The mini-mass production phenomena indicates a weakness in the assumptions used in the downloaded substitution value for all FOSH products. For PPE during the pandemic the issue is illustrated clearly. So far it has been assumed that P=1 for equation (1). This is seen in the case for the protective face shields in

the first analysis. In the comment section of the design page, however, many users claimed they have printed multiple face shields. One registered user claimed the group he/she is associated with has printed close to 10,000 face shields, one other registered users also claimed he/she has printed more than 3,000 face shields personally (YouMagine, 2021f). A sub-case study case is thus done to estimate the value with those additional fabrications finding:

$$V_{\text{D-mult}}(t) = \sum_i (C_{pi} - C_{fi}) * P_i * N_{Di}(t) \qquad [\$] \qquad (13)$$

For the above case, the C_p and C_f will remain constant as \$9 to \$9.95 and \$1.86. P will be one for the common case without registered information on how much they fabricated. P_2 and P_3 will be 10,000 and 3,000. N_{D2} and N_{D3} will be one, N_{D1} will be the total download times subtract by two, which is 74,480. The result value ranges from \$99,645 to \$707,631 using equation (13). The ROIsoc ranges from 791% to 6,230% using equation (9).


**Figure 1.** Examples of P>1 that were not able to be quantified (YouMagine, 2021f).

The above study case only included the additional amount of fabrication explicitly posted by registered users on YouMagine, there are many other users included

picture of their fabrication yet did not specify the amount, thus, the obtained valuation here is also an underestimation (see Figure 1).

3.6.2 Derivatives of OS

OS projects are not only allowing users to download and use them at no cost, they also permit users to modify the existing file to improve or sometimes adjust the projects for a different environment. Take the examples from the case studies done above, the protective face shield designed has 26 derivatives recorded on YouMagine as shown in Figure 2 (YouMagine, 2021f). The original face shield design has been downloaded 74,462 times, all its derivatives have been downloaded 9,976 times, results in a total of 84,438 download times (YouMagine, 2021g). Most derivations are face shield with small improvements or adjustments for different types of printers. Other configured the original CAD in a way the face shields could be printed faster. One of the derivatives is a breaker tool that separates the face shields printed in a stack (YouMagine, 2021h). Verified users printed thousands of faceshields and it is possible some other medical or governmental organizations have printed even more without publishing the fact online. This would make the assumption of P=1 in the previous calculations to be a significant underestimation for both FOSH and FOSS, which could lead to a higher value and a higher ROIsoc for the developer.
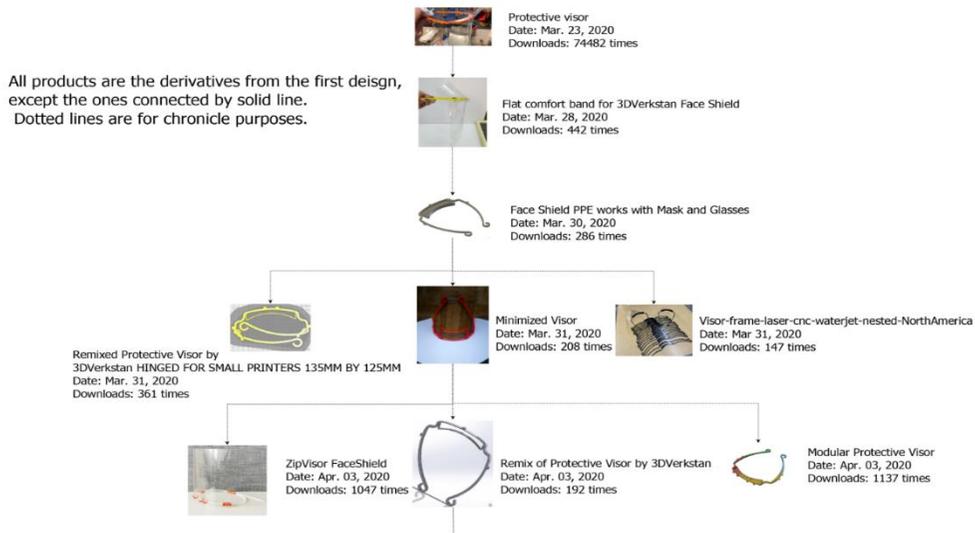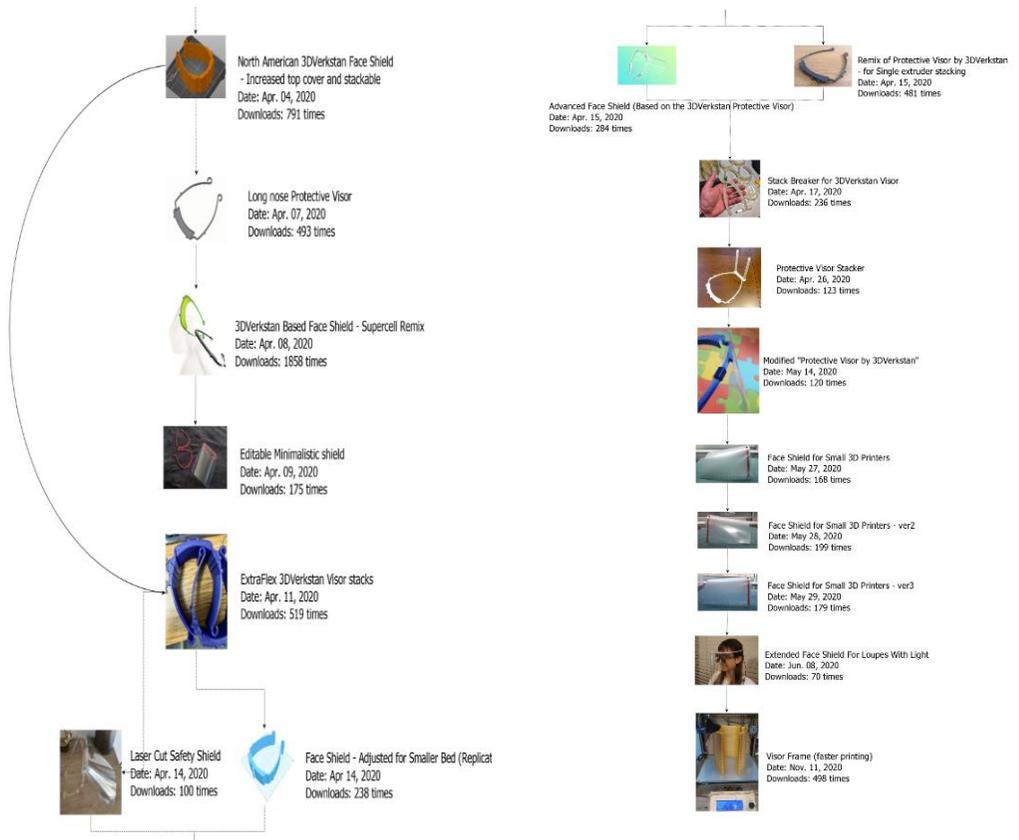
Figure 2. Derivatives of an open source face shield (Youmagine, 2021g).

3.7 Summary of Case Study Results

The case study of a FOSS is summarized in Table 1 for savings and ROI in Table 2.

Table 1: Estimated savings generated by chosen FOSS.

FOSS	Logo of FOSS	Downloads Statistics [times]	Data Collection Span [Year]	Estimated Savings [$]	Savings as one-time purchase [$]
FreeCAD		4,521,065	2002 - 2021	113m – 3.12b	1.13b – 4.98b
Apache Open Office		328,300,938	2011- 2021	1.31b - 18.7b	42.7b – 82.1b

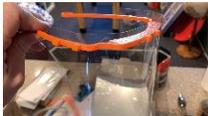| OpenShot		14,715	2021 - 2021	54,199 – 262,734	1.25m – 1.75m

Table 2: ROI results summaries of case study FOSS projects.

FOSS	Target Contributor	Fraction of lines of code added [%]	Corresponding Savings [$]	ROIsoc [%]	One-time Purchase Savings [$]	One-time purchase ROIsoc [%]
Apache Open Office	Top	47.3	15.5m – 8.84b	5,550,699 – 79,098,784	20.2b – 38.8b	180,400,862 – 346,924,828
	Median	0.00716	94,089 – 1.34m	742 – 11,894	3.06m – 5.88m	27,254 – 52,054
	Average	4.35	57.1m – 814m	510,642 – 7,277,969	1.86b – 3.57b	16,599,005 – 31,921,257
FreeCAD	Top	64.6	72.8m - 2.02b	651,305 – 18,036,399	731m – 3.21b	6,534,863 – 28,753,739
	Median	0.0311	35,042 – 970,254	213 – 8,579	351,541 – 1.55m	3,045 – 13,736
	Average	1.57	1.77m – 48.9m	15,700 – 437,376	17.7m – 78.0m	158,406 – 697,326
OpenShot	Top	85.1	45,199 – 262,734	385 – 2,250	1.25m – 1.75m	11,096 – 15,575
	Median	0.000290	0.19 – 0.9	<0	4 - 6	<0
	Average	3.22	2,055 – 9,963	<0	47,463 – 66,450	325 - 494

Table 3 shows the case studies of the FOSH projects with the total value, values generated by an average developer and the ROI for society.

Table 3: Values and ROI for society for case studies of FOSH projects.

FOSH	Image of FOSH	Values generated from potential fabrication [$]	Values for an average developer [$]	ROIsoc [%]
Smart One Handed Bottle Opener		21,220 – 155,395	21,220 – 155,395	90– 1,290

Phone Stand		38,375 – 92,357	38,375 – 92,357	243 - 726
Bicycle phone holder		27,671 – 60,705	27,671 – 60,705	148 - 443
3-D-printable glidecam		359,188 – 11,648,683	359,188 – 11,648,683	3,113 – 104,101
Syringe Pump (Single)		1.43m – 13.1m	356,758 – 3.27m	356,758 – 3.27m
Syringe Pump (Dual)		15.3m – 22.8m	3.81m – 5.69m	3.82m – 5.69m
Protective Visor		84,840 – 602,490	84,840 – 602,490	659 – 5,289
Protective Visor (with additional fabrication)		99,645 – 707,631	99,645 – 707,631	791 – 6,230

To showcase the data from different perspectives, the median contributor among the selected developers is chosen to do the same calculation. Average contribution per developer of a selected group in a project is also simulated. It could be observed that the numbers for median and average contributor are significantly less than the top contributor, which is anticipated as there is not direct payback for

those who work on OS if they are not on a paid position. Some people contribute more may because they have to frequently use the software and know what needs to be improved or because of altruism (Savikhin, Samek & Sheremeta, 2014).

4. Discussion

It is clear from the results summarized in Tables 1-3 that open source developers who may or may not be documented HQP can provide enormous value and ROIs for the societies that enable them to have free movement. As there is not currently a transparent direct payback to OS contributions, several mechanisms of incentives will be evaluated.

4.1. Mechanisms of incentives for OS development to benefit the global commons
4.1.1 Nonprofit funding of a visa from a percent return from OS savings

According to non-profit (NPO) websites volunteers are their main driving forces to maximize their impact towards the public (Bulman, 2018; National Council of Nonprofits, 2015). Mook et al. show that many contributions of volunteers in NPOs are not properly recorded (2005). This is in part due to the IRS (2021) claiming that volunteer time can not be officially reported. Recording the value of the time volunteering, however, could be used as an incentive. Revenues created by OS development for the NPO could even be used to fund mobility of HQP directly. James said that it is challenging to manage a NPO as they rely on profitable activities to raise funds for their non-profit activities (1983). This is why integrating OS with NPOs may be beneficial as OS will provide NPOs a wider access to spread their impact without spending as much funding to make that happen.

Engineering Without Border (EWB) is a non-profit organization with the aim to make a better world by fulfilling basic human needs worldwide (2021). EWBUSA's annual report (Financials, 2021) from 2018 shows they had a total revenue and support of more than $15 million, a total expense of more than $11 million, and a net assets of more than $4 million dollars at the end of year 2019 period with 707 underway projects (EWB, 2021). They had more than 16,000 volunteers working for them. Many of them work on appropriate technology development (Basu & Weil, 1998; Hazeltine & Bull, 2003), which could be leveraged as open source appropriate technology to make FOSH (Pearce & Mushtaq, 2009; Zelenika & Pearce, 2011;

Pearce, 2012). Although the IRS does not accept volunteer time as contributions on an official record (IRS, 2021), a better system could benefit both the organization and the volunteers without shifting the initial intention of volunteering. It is possible that volunteering could be leveraged as an incentive for a visa type document that grants a qualified personnel access to certain countries as well as work authorizations for them. NPOs would promote OS development activities people all over the world could participate in and indicate what potential benefits they could obtain. The NPO would be responsible to document record the contributions from the volunteers and estimate what value have they created using, for example, the methods outlined in this study. If this value exceeds a certain amount a visa or an equivalent is to be rewarded for that particular person.

4.1.2 Treatment of OS developers as an investor-class immigrant for past contributions

Foreign investors are eligible to apply for a U.S. green card if they invest in qualifying commercial enterprises without borrowing with a minimum capital investment of $1.8 million or $0.9 million in a high-unemployment or rural area, considered a targeted employment area. In addition, this investment is required to provide 10 full-time jobs for U.S. citizens, lawful permanent residents, or other immigrants authorized within two years (Immigrant Investor Visas, 2021). This policy created by the U.S. Congress to help stimulate the economy could be adjusted and implemented for global OS developers. One method is to calculate the percentage of code that is written by the OS developers and its value based on Section 2. Savings generated from using that OS code is matched to each contributor by their percentage of the work. Using this method, if the contribution of an individual is over the amount of money needed for the investment immigration program, then this contributor should be given a similar privilege. As can be seen in Tables 1-3 the values for some OS developers clearly could meet these criteria. A further restriction could go on measuring this person's future contribution towards similar OS areas.

4.1.3 Return on Investment

As can be seen by comparing Tables 1-3, the ROIsocs from FOSS are generally greater than the ones from FOSH. This is to be somewhat expected as not only does FOSS entail no material investment for a product, FOSS is much more mature and

the use of computer software is far more ubiquitous than digital manufacturing. The ROIsoc for FOSS can be substantial. Consider Apache Open Office, where the ROIsoc ranges from 0.5 million to 32 million percent for an average contributor. Apache Open Office is comparable to a home office suite, it naturally has a greater user base. While more specialized FOSS exhibit smaller ROIsoc, e.g. 15,000 to 0.7 million percent for FreeCAD.

For FOSH the ROIsoc is more closely tied to the value of the product. Where, for example, the open source syringe pump for medical use has a ROIsoc from 0.4 million to 6 million percent, while the designs for a bottle opener, which would be far more often used, have a ROIsocs range from 90 to 1,290 percent. A 3-D printable glide cam, has an economic value and likelihood of use between the two and thus has an ROIsoc in between as well ranging from 3,000 to over 100,000 percent. These calculations are theoretical and likely underestimated, but it is clear that open source development brings great value to society. The implication of those number needs to be further analyzed. With existing data, however, absorbing those open source designers is more likely to have a positive impact on the receiving countries. With more attentions provided to the field of open source, more people will engage in the similar activities creating a positive feedback loop. Thus, as more work is shared freely it will provide a benefit to whomever is willing to utilize those open source products and then further feedback is provided into the mutually beneficial system. Again this would indicate a conservative ROI for any given project.

4.2 Alternative Methods of Calculating Value

There have been some attempts to calculate value of large collaboration projects and the value of individuals that contribute to them. The Linux Foundation, estimated the value of Linux to be about $5 billion using source line of code (SLOC) and the constructive cost model (COCOMO) (2015). SLOC is used to calculate the actual number of lines of functioning code in a project and estimate the effort needed to produce this many lines. SLOC may result in an underestimation as commenting code is not counted, which is essential since readability is as important. Likewise the COCOMO model analyzes the number of lines of code to estimate cost and effort of a project. Kemerer discussed these two models and additional estimating methods (Function Points*, and* ESTIMACS), and suggested that the model predicted a better value when it is calibrated and the project is large

(1978). According to OpenHub, the Linux Kernel with more than 20 million lines of code evaluated by the COCOMO model, assuming 7,000 people are being paid $55,000 yearly, the estimated cost will be more than $300 million (2021, OpenHub). Robles et al. stated that to better measure efforts committed in a software project, it is important to identify who can be considered as full-time contributor as most of the work are performed by only a small portion of the participants (2014). With that, Roble et al. believed since the majority of the work is done by those considered to be full-time workers, the effect of other participants could be eliminated (2014). This approach is clearly not acceptable for the purposes of this study as by definition the majority of people that need this new method of value calculation would not be employed on it full time. At the same time all of these models, which are based on the market value of labor to create a product, severely under count the value that is created when the design is distributed in the open source context.

Download substitution value is thus superior for determining real value and should also be considered to calibrate these estimating models in future work. The other equations cannot be used due to lack of statistics provided from chosen FOSS. Even the lines of code added will be controversial on how accurately it reflects a single developer's true effort. As each line has different length and purposes. Other factors could be considered to improve the accuracy, however, the exclusion of other factors will not invalidate the value that should be credited to those top contributors. Since the assumption made for each downloaded software to be used only one month, this actually significantly reduced the actual impact of the software as well as their developers. Furthermore, the download statistics reflected on SourceForge is clearly not capturing all the potential users. Anyone with access to the internet could directly download the files for installation from designated repository without being counted into the download statistics. For institutions like universities or some firms, where they can distribute one software through virtual connection to every in-network devices, the usage through these connections is probably not reflected in download statistics either. At the same time, the downloads were treated as if they were all for a target country despite them being global. All of these factors increase the potential variability of the value and should be further refined in future work.

GitHub's repositories also show the work frequency of contributors, which could be quantified and integrated in to a more refined equation. IBM and Sensorica's models could be integrated if possible to better grasp the value that

should be credited to each single contributor. Past contribution is also tracked in each user's GitHub file, that could be used for a multiplier into their future contribution depending on the quality of their past work, which is similar to Sensorica's reputation factor. In the study cases done above however, since it is explained the output is an extreme underestimation due to lack of download statistics and time period of the usage of the software, a more accurate equation should only result in a higher output of those contributor's effort even if pro-rating for downloads from a particular target country.

Sensorica's model is more sophisticated than the simple valuation estimation models presented here. The idea behind the Sensorica model is to enable anyone with skills to join and make a living with the distributed revenue without other financial support. Their model contains a bonus for each individual variable to benefit the contributors that work more regularly and correctly. They may face problems when contributor exchange credits to physical cash. However, this does explain the potential aggressiveness in their formula that tends to encourage an open source contributor to a work more regularly. Their model could be beneficial in terms of progressing the project and encourage OS workers to put in more effort, however, it might also underestimate a value that could be credited to a contributor that does not contribute as frequent as others. This may not necessarily be the disadvantage of the model, but taking in factors like frequency of work, quality of past work, and reputation means more effort to track each individual's progress. This placs extra burden on administration and on OS workers. Nevertheless, since Sensorica do pay their contributors once revenue is generated, their model does have a starting point.

The methods presented here are simple and easy to implement. The required inputs to compute the value credited to individuals are easy to obtain and quantify. The error, however, will be larger compared to a relatively more sophisticated system like Sensorica's model (2021). The models introduced here will produce rough estimation instead of an accurate measurement of one's effort; however, unlike Sensorica, the result here is not get exchanged for cash but rather access and mobility. It is used to reflect how much impact users created through their OS contributions. This credential would give countries or institution information of those credited individual, and if the cost of granting certain privileges is comparably lower than the potential estimated impact they have already created, it will be a net gain for both privilege granter and the contributors.

4.3 Implications

For FOSH, there are many other designs available on YouMagine and similar open hardware repositories that are even more popular. In this study objects with utility were analyzed, but there are many millions of other designs in toys, decorations etc. In addition, complex designs like 3-D printers themselves were not considered because of the complications of non-open hardware components like stepper motors. It should be pointed out that these designs are representative, although there are many other such digitally copied open hardware that would yield a higher value and ROIsoc compared to the designs chosen for the case studies. The results show the FOSH in general have a relatively lower value compared to FOSS, which has a marginal cost of zero, while manufacturing FOSH still requires the purchase of materials.

There are many other OS projects that are likely to have a greater economic impact as well. For example in FOSH, Arduino is an open source electronics platform that allows users to modify and upload their own design on their website (Arduino, 2021). Arduino's net sale in 2020 was estimated to be $180.5 million (ecommerceDB, 2021). As many of those Arduino microcontrollers could be used to offset much higher cost items (e.g. the syringe pump used as an example above was remixed to work with an Arduino rather than a Raspberry Pi (Lynch, 2015)). Similarly, the Open Source Computer Vision Library (OpenCV), a FOSS-based computer vision and machine learning software library, is extensively used by not only individuals, but also established companies and start-ups (OpenCV, 2021). OpenCV has download statistics on SourceForge of 22,572,880 times from 2001 to 2021 (SourceForge, 2021e).

A study on Linux Kernel from 2005 to 2011 and Ohloh projects has found about 50% of the contribution are considered to be performed by paid developers (Riehle et al., 2014). With the expansion of open source and the realization of the significance of open source projects, the number of paid-workers on OS will likely increase in the future. Though started in software, the adaptation of OS could be applied in any other fields. In this paper, the value of typical OS work by HQP has been proven to be a net gain for the economy of the destination country for allowing them mobility and even for the sending country if the HQP goes back or maintains his/her connections. Skilled immigrants are one of the biggest contributing forces for the development of the economy and science (Schultz, 1961;1963; Jones, 1971;

Blundell, et al., 1999; Psacharopoulos, 1981;1985;1994), however, the problem of limited mobility of those skilled people persists. The mechanisms introduced in this study could serve as an ideal tool to credit the contribution of the HQPs and grant them certain privileges (i.e. permit to work in another country, or even citizenship of a country). The cost to give those privileges compared to the anticipated ROI from the OS design case studies is shown to be minimal. In the long run the tax they pay converges with a native, so even with dependents they do not represent a burden for the local economy (Simon, 1984).

Many HQPs may face difficulties during the processing phase when they seek better opportunities in a country with more advanced economy. These include the price for visa processing, or the lack of information on the criteria on the application. If the receiving country could realize accepting HQP with documented OS value is a net gain for them, and start adopting necessary suitable policies on granting the free flow on targeted grounds, this could not only leverage the flow of HQPs that have the intention to move between countries, it also brings up the possibilities of more connection between developing and developed countries. Such connections could serve as bridge for knowledge flow to benefit back the sending countries and fill in the potential loss to the sending countries that have a HQP outflow.

The OS value mechanisms discussed here is a small initiation of the idea that borders between countries could be more open, especially for highly qualified personnel. Certainly this mechanism does not only have to function for the HQPs with the desire to seek a better job at a different location, it could also provide credentials for people anywhere that are already contributing to open source. The credit is reflected by the matching values they have generated from the usage of their OS projects by people all over the world. If a more mature and accurate evaluation system were created, this credit or value could be treated as a digital currency that the contributor can utilize as a waiver to exchange certain goods or services. This could help some HQPs with monetary concerns not only be more mobile across countries as focused on here, but also provide the basis for making more resilient economies. With the recognition of the contribution by those OS developers, more people may be motivated to contribute to the society for everyone's benefit. From the handful of case studies above, estimated value generation is in the millions of dollars as their lower bound, which is a known significantly underestimated value. With more people participating in OS development, not only would a substantial value be created but software and

hardware technologies could also be advanced.

Many OS contributors are are already financially compensated from industries that support OS development (Riehle et al., 2014). It is clear from the results presented here that society is gaining from those free licensed software or hardware as their cost is relatively low or minimal compared to a commercial equivalents. The impact of such phenomenon is challenging to quantify accurately, but the conservative underestimates shown here indicate that any investment in OS development provides enormous returns. With such mechanism to leverage the mobility of highly qualified personnel by providing recognized credentials, at the same time attracting more skilled workers into the OS field, the actual impact could be much greater than the calculations shown here for society.

It is clear that FOSS and FOSH generate significant savings for users. Though estimating the value represented by those OS projects using the price of an equivalent commercial product has some limitations. For example, the purchase of a commercial product usually comes with some form of warranty and customer support, the cost of providing those services is included in the retail price of those products. For DIY manufacturing or downloading, warranties are generally not available unless the OS product is sold by a company. Similarly, although there are often users providing support for new users by uploading instruction videos and replying questions on a forum in open source products, customer support can not be relied upon unless the OS product is commercialized. Despite the limitations, the rough estimation result from this system is still valid in term of crediting those OS developers with greater mobility. If a proper incentive is provided to the public to work on more FOSS or FOSH, the potential value is incredible. It is possible the mass adoption of FOSS could unbalance its business equivalent, said by Brydon and Vining, however, many mainstream firms participate in FOSS to further polish their commercial product, who at the same time subsidize the FOSS core they used from the revenue created (2008). It is also believed the gain for firms participating in FOSS overcome the loss they face sharing their code to other competitors (Brydon & Vining, 2008). Companies that learn to navigate the OS business world appear to be those positioned to profit in the future.

Mechanisms to use OS to increase HQP would tend to open borders. Bauder found that with an open border a large flow of immigration from developing countries to developed countries will not create a significant population diaspora (Bauder, 2003). It is generally seen that people from Organization for Economic Co-

operation and Development (OECD) countries have fewer restrictions on their mobility traveling abroad than other countries (Neumayer, 2006). This is also supported by research conducted by Mau et al. that showed some non-OECD countries in Asia or Africa were losing accesses to other countries (2015). For developing countries, a certain flow of emigration could potentially encourage individuals from that country to pursue higher education (Lindsay & Allan, 2002). In this way, "brain drain" could be replaced by "brain circulation" and help skilled workers' sending countries (Lindsay & Allan, 2002). An increase of more than $10,000 in welfare is also found by a randomly selected foreign worker from a less developed country (Kennan, 2013).

From the perspective of basic human rights, one's opinion on where he/she wants to relocate should be valued or considered by the receiving country. Although a large flow of immigrants can cause a brain drain for the sending country in a short run (Saxenian, 2005), the mobility of those potential immigrants are limited, and this limitation can cause them to immigrate permanently (Pécoud & Guchteneire, 2006) instead of changing the brain drain to a brain circulation. That is a reason favoring more open borders, not only for the sake of absorbing more skilled workers, but also aid those sending countries from not losing their documented and undocumented HQP permanently. For example, Egypt saved three quarters of a million dollars in 2000 by making the border more open and its custom process easier (Neumayer, 2006). From above, if a country could gain more skilled workers while saving money on admitting them inside its border, it is certainly a win-win for the receiving country and those HQPs. Without a restrictive border control, skilled workers have a higher chance of going back their own countries and improving development. Overall, the flow or circulation of skilled workers at an international level is seen to be a net gain for the globe as a whole. If a healthy circle lasts, the disparities of development between countries could be reduced as well.

Potential costs due to the brain drain effect was discussed previously; if free movement of the HQPs is achieved, some may return to their home countries instead of permanently staying in the destination countries and create brain circulation to compensate the initial brain drain when they left their home countries (Lindsay & Allan, 2002). Brain circulation was discussed by Saxenian (2005) that as foreign-educated returnees serve as a key bridge to connect firms in Silicon Valley and their home countries, it stimulates the emergence of local start-ups and multinational cooperation. In the long term, such entrepreneurship build relations with local

policymakers and transfer the advanced model from Silicon Valley to their home countries, which further creates an incentive for foreign graduates in US to seek opportunities back at their home countries. Silicon Valley has embraced OS as it now is the foundation for most if not all Internet-based companies, and by applying incentives for HQP to assist in OS this can enable greater HQP mobility following the success of a successful brain circulation also championed by Silicon Valley as well.

5. Conclusion

This study evaluated methods that could be used to quantify OS value creation from documented and undocumented HQP for the benefit of the international community by enabling a means of both skill verification as well as enabling HQP a means to earn access without credentials or substantial financial resources. The system introduced here focuses on the mobility of highly skilled worker, which will carry a net gain to the destination country. The current infrastructure used for admitting immigrants into the US is inadequate. Not only does that personnel have to have the financial ability to process required paper work and validation, they are also examined by their level of education or their capital. The system discussed here quantifies the value produced by OS developers in different environments and credits them the value their work represents by providing three mechanisms to fund HQP mobility.

The case studies overwhelmingly showed that example OS developers produced far more value than the cost to enable their mobility. Thus the societal return on investment for granting mobility to documented OS developers is astronomical. Even using an overly underestimated method described in this study, the results of this work clearly show that OS developers can create enough value that if they want to immigrate, accepting such OS HQP is a net gain for the destination country from an economic standpoint. Potential brain drain does exist, but if the flow of mobility rules are free enough, they will not tend to stay permanently in the destination country, thus producing a brain circulation when they go back to their home country. Finally, future research is needed to improve the methods developed here to accurately calculate the value represented by OS developers. OS projects should also implement a better infrastructure to record all activities committed by their developers, and derive necessary factors into the consideration of a more refined and accurate estimates of value and ROI.

References

Adobe. (2021). *Adobe Creative Cloud Plans, Pricing, and Membership.*
https://www.adobe.com/creativecloud/plans.html. Accessed 11 April 2021

AliExpress. (2021). *AliExpress - Online Shopping for Popular Electronics, Fashion, Home & Garden, Toys & Sports, Automobiles and More products.* AliExpress. //www.aliexpress.com. Accessed 21 April 2021

Amazon. (2021a). *Amazon.com: 3 Pieces Magnetic Bottle Openers Can Opener Classic Beer Opener Stainless Steel Small Bottle Opener Can Tapper with Magnet for Camping and Traveling HANCELANT: Kitchen & Dining.* https://www.amazon.com/Magnetic-Openers-Stainless-Traveling-HANCELANT/dp/B08K8F35L5/. Accessed 15 April 2021

Amazon. (2021b). *Amazon.com: Norpro, Brown Can Punch Bottle Opener: Kitchen & Dining.* https://www.amazon.com/Norpro-400-Punch-Bottle-Opener/dp/B08ZCQNM89/. Accessed 15 April 2021

Amazon. (2021c). *Amazon.com: Mayten Adjustable Cell Phone Stand Universal Foldable Mobile Phone Dock，Compatible for iPhone12 iPhone11 Pro Xs Max 8 7 6,Switch,iPad Mini,Samsung GalaxyS10,Google Nexus,Kindle-White.* https://www.amazon.com/Mayten-Adjustable-Universal-Dock%EF%BC%8CCompatible-Kindle-White/dp/B08DFY8F4V. Accessed 18 April 2021

Amazon. (2021d). *Amazon.com: Cell Phone Stand,licheers Phone Stand for Desk, Foldable Phone Holder Compatible with All 4-7 Inch Moboile Phones Tablets(Black).* Accessed 18 April 2021 https://www.amazon.com/Adjustable-licheers-Multi-Angle-Compatible-Stand-Black/dp/B07M9B6NGX/

Amazon. (2021e). *Amazon.com: Bovon Bike Phone Mount, 360 Rotation Silicone Bicycle Phone Holder, Universal Motorcycle Handlebar Mount Compatible with iPhone 12 Pro/12 mini/Se/11 Pro Max/XR/XS Max/8, Galaxy S20, 4.0''-6.7'' Phones: Automotive.* https://www.amazon.com/BOVON-Silicone-Motorcycle-Handlebar-Universal/dp/B07D5SVD7Y/. Accessed 16 April 2021

Amazon. (2021f). *Amazon.com: BiKase ElastoKASE Quick Release Universal Phone Holder for Bars 22mm to 40mm (7/8'' to 1.5''): Sports & Outdoors.* https://www.amazon.com/BiKase-ElastoKASE-Release-Universal-Holder/dp/B08S3V4WWY/. Accessed 16 April 2021

Amazon. (2021g). *uxcell 4Pcs 6063 Seamless Aluminum Round Straight Tubing Tube 1 Feet Length 0.234 Inches ID 0.429 Inches OD: Amazon.com: Industrial & Scientific.* https://www.amazon.com/uxcell-Seamless-Aluminum-Straight-Tubing/dp/B07W4TYV56/. Accessed 21 April 2021

Amazon. (2021h). *Amazon.com : Hapleby Premium Bike Handlebar Grips, Single Lock-on Bike Grips, Professional Mountain Bicycle Handlebar Locking Grips with Anti-Slip, 2PCS Screw and 2PCS Allen Wrench for Free : Sports & Outdoors.* https://www.amazon.com/Hapleby-Handlebar-Professional-Mountain-Anti-Slip/dp/B08T8TGS1W/. Accessed 21 April 2021

Amazon. (2021i). *Amazon.com : Neewer Carbon Fiber 24 inches/60 centimeters Handheld Stabilizer with 1/4 3/8 inch Screw Quick Shoe Plate for Canon Nikon Sony and Other DSLR Camera Video DV up to 6.6 pounds/3 kilograms (Black) : Camera & Photo.* https://www.amazon.com/Neewer-Centimeters-Handheld-Stabilizer-kilograms/dp/B07121Z9FK/. Accessed 20 April 2021

Amazon. (2021j). *Amazon.com : Glidecam Devin Graham Signature Series Camera (0.9 Up to 12 lbs) : Camera & Photo.* https://www.amazon.com/Glidecam-Graham-Signature-Camera-0-9-Up/dp/B00WFA0MWY/ref=sr_1_5?dchild=1&keywords=glidecam&qid=1618858094&sr=8-5. Accessed 20 April 2021

Amazon. (2021k). *Protective Face Shield 5 Pack, Waterproof Dustproof Full Face Shield with Clear Wide Visor, Reusable Safety Face Shield with Comfortable Sponge and Elastic Band, Vacuum Packaged:*

Amazon.com: Industrial & Scientific. https://www.amazon.com/Protective-Waterproof-Dustproof-Reusable-Comfortable/dp/B08DF4PTDZ/. Accessed 20 April 2021

Amazon. (2021l). *Amazon.com: Germ Protection Safety Face Shield 2-Pack Medical Grade 3M Clear Plastic for Men Women, with Comfort Foam and Elastic Multi Fit Band, Clear Wide Visor Proprietary Hydrophobic Coating Anti-Fog: Home Improvement*. https://www.amazon.com/Protection-Medical-Proprietary-Hydrophobic-Anti-Fog/dp/B089N3J8QQ/. Accessed 20 April 2021

Apache Open Office. (2021). Why Apache OpenOffice. Retrieved April 1, 2021, from https://www.openoffice.org/why/index.html

Arduino. (2021). *Arduino - Home*. https://www.arduino.cc/. Accessed 16 April 2021

AutoCAD. (2021). *AutoCAD LT | Get Prices & Buy Official AutoCAD LT 2022*. https://www.autodesk.com/products/autocad-lt/overview. Accessed 11 April 2021

AutoCAD. (2021). *AutoCAD Software | Get Prices & Buy Official AutoCAD 2022*. Retrieved April 1, 2021, from https://www.autodesk.com/products/autocad/overview. Accessed 1 April 2021

Barrett, A., & McCarthy, Y. (2007). Immigrants in a Booming Economy: Analysing Their Earnings and Welfare Dependence. *LABOUR*, *21*(4–5), 789–808. https://doi.org/https://doi.org/10.1111/j.1467-9914.2007.00389.x

Basu, S., & Weil, D. N. (1998). Appropriate technology and growth. *The Quarterly Journal of Economics*, *113*(4), 1025-1054.

Bauder, H., 2003. Equality, Justice and the Problem of International Borders: The Case of Canadian Immigration Regulation. ACME: An International Journal for Critical Geographies 2, 167–182.

Blundell, R., Dearden, L., Meghir, C. and Sianesi, B., 1999. Human capital investment: the returns from education and training to the individual, the firm and the economy. *Fiscal Studies*, 20(1), pp.1-23.

Blundell, R., Dearden, L., Meghir, C. and Sianesi, B., 1999. Human capital investment: the return the returns from education and training to the individual, the firm and the economy. Fiscal studies, 20(1), pp.1-23.

Borjas, G. J. (1995). The Economic Benefits from Immigration. *The Journal of Economic Perspectives*, *9*(2), 3–22. https://www.jstor.org/stable/2138164

Bosetti, V., Cattaneo, C., Verdolini, E., 2015. Migration of skilled workers and innovation: A European Perspective. Journal of International Economics 96, 311–322. https://doi.org/10.1016/j.jinteco.2015.04.002

Breno et al. (2017). Wealth inequality is a barrier to education and social mobility | VOCEDplus, the international tertiary education and research database. https://www.voced.edu.au/content/ngv:78316

Bryan, G.E., 1994, February. Not all programmers are created equal. In Proceedings of 1994 IEEE Aerospace Applications Conference Proceedings (pp. 55-62). IEEE.

Brydon, M. and Vining, A.R., 2008. Adoption, improvement, and disruption: predicting the impact of open source applications in enterprise software markets. Journal of Database Management (JDM), 19(2), pp.73-94.

Buse, R. P. L., & Weimer, W. R. (2010). Learning a Metric for Code Readability. *IEEE Transactions on Software Engineering*, *36*(4), 546–558. https://doi.org/10.1109/TSE.2009.70

Carens, J.H., 1987. Aliens and Citizens: The Case for Open Borders. The Review of Politics 49, 251–273.

CorelCAD. (2021). *CorelCAD 2021 | Get Your Free Trial*. Retrieved April 5, 2021, from https://www.coreldraw.com/en/product/corel-cad/. Accessed 4 April 2021

CyberLink. (2021). *PowerDirector Video Editing | Buy CyberLink Video Editing Software Today*. https://www.cyberlink.com/store/powerdirector-video-editing-software/buy_en_US.html?affid=2581_1572_540. Accessed 11 April 2021

Darren, P. (2021, March 8). *Re: Perpetual License?* https://forums.autodesk.com/t5/installation-licensing/perpetual-license/m-p/10139894#M251757

EB-5 Immigrant Investor Program | USCIS [WWW Document], 2020. URL https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program. Accessed 12 March 2021

ecommerceDB. (2021). *arduino.cc revenue | ecommerceDB.com*. http://www.ecommercedb.com/en/store/arduino.cc?q=%2Fen%2Fstore%2Farduino.cc. Accessed 16 April 2021

Edler, J., Fier, H., & Grimpe, C. (2011). International scientist mobility and the locus of knowledge and technology transfer. *Research Policy*, *40*(6), 791–805. https://doi.org/10.1016/j.respol.2011.03.003

ePlastics. (2021). *0.010" x 21" x 51" Clear Vinyl Polish/Polish Sides at ePlastics*. https://www.eplastics.com/VINCLRPP-010. Accessed 28 April 2021

Esq, K.J.B., 2018. Recognizing the Magic of Nonprofit Volunteers [WWW Document]. NonProfit PRO. URL https://www.nonprofitpro.com/post/recognizing-the-magic-of-nonprofit-volunteers-and-those-who-lead-them/. Accessed 12 March 2021

Fershtman, C., & Gandal, N. (2011). Direct and indirect knowledge spillovers: the "social network" of open-source projects. *The RAND Journal of Economics*, *42*(1), 70–91. https://doi.org/https://doi.org/10.1111/j.1756-2171.2010.00126.x

Financials [WWW Document], n.d. . Engineers Without Borders USA. URL https://www.ewb-usa.org/financials/. Accessed 3 March 2021

Frangos, M., Pearce, J.M., Brastaviceanu, T., Mahmoud, A.A. and Khalid, A., 2016. Democratising design in scientific innovation: application of an open value network to open source hardware design. *Cumulus Working Papers 33/16: Cumulus Hong Kong 2016 – Open Design for E-very-thing*, pp. 333-339.

FreeCAD. (2021). *FreeCAD: Your own 3D parametric modeler*. Retrieved April 1, 2021, from https://www.freecadweb.org/. Accessed 1 April 2021

Gera, S., Songsakul, T., 2005. International Mobility of Highly-Qualified People in APEC (No. 0507002), International Trade. University Library of Munich, Germany.

Gibb, A. (2014). Building open source hardware: DIY manufacturing for hackers and makers. Pearson Education.

GitHub. (2012a). *apache/openoffice*. GitHub. https://github.com/apache/openoffice. Accessed 11 April 2021

GitHub. (2021b). *FreeCAD/FreeCAD*. GitHub. https://github.com/FreeCAD/FreeCAD. Accessed 11 April 2021

GitHub. (2021c). *OpenShot/openshot-qt*. GitHub. https://github.com/OpenShot/openshot-qt. Accessed 11 April 2021

Green Card for Immigrant Investors | USCIS [WWW Document], 2020. URL https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-immigrant-investors. Accessed 3 March 2021

Hazeltine, B., & Bull, C. (Eds.). (2003). *Field guide to appropriate technology*. Elsevier.

Herstatt, C. and Ehls, D., 2015. *Open Source Innovation: The Phenomenon, Participant's Behaviour, Business Implications*. Routledge.

Hira, R., 2007. Outsourcing America's technology and knowledge jobs: High–skill guest worker visas are currently hurting rather than helping keep jobs at home. Economic Policy Institute Briefing Paper, 187, pp.1-8.

Hiteshdawda. Realising the Value of Cloud Computing with Linux. (2020). https://www.rackspace.com/en-gb/blog/realising-the-value-of-cloud-computing-with-linux

Homestyler. (2021). *Easy online 3D home design tool with affordable 4K render*. Homestyler. https://www.homestyler.com/pricing

IDC. Smartphone Market Share - OS. IDC: The premier global market intelligence company. 2020. https://www.idc.com/promo/smartphone-market-share Accessed 12 March 2021

IRS. (2021). *Exempt Organizations Annual Reporting Requirements - Form 990, Schedules A and B: Reporting Value of Volunteer Time | Internal Revenue Service*. https://www.irs.gov/charities-non-profits/exempt-organizations-annual-reporting-requirements-form-990-schedules-a-and-b-reporting-value-of-volunteer-time. Accessed 16 April 2021

Immigrant Investor Visas [WWW Document],2021. URL https://travel.state.gov/content/travel/en/us-visas/immigrate/immigrant-investor-visas.html. Accessed 12 March 2021

Jacob, J., Brinkerhoff, M., Jovic, E. and Wheatley, G., 2004a. HOUR town: Paul Glover and the genesis and evolution of Ithaca HOURS. *International Journal of Community Currency Research*, 8, pp.29-41.

Jacob, J., Brinkerhoff, M., Jovic, E. and Wheatley, G., 2004b. The social and cultural capital of community currency: an Ithaca HOURS case study survey. *International Journal of Community Currency Research*, 8(4), pp.42-56.

James, E., 1983. How nonprofits grow: A model. Journal of Policy Analysis and Management 2, 350–365. https://doi.org/https://doi.org/10.2307/3324446

Jansen, M., & Piermartini, R. (2009). Temporary Migration and Bilateral Trade Flows. *The World Economy*, *32*(5), 735–753. https://doi.org/https://doi.org/10.1111/j.1467-9701.2009.01167.x

Jones, G. "The role of science and technology in developing countries." The role of science and technology in developing countries (1971).

Kato, T., Sparber, C., 2011. Quotas and Quality: The Effect of H-1B Visa Restrictions on the Pool of Prospective Undergraduate Students from Abroad. The Review of Economics and Statistics 95, 109–126. https://doi.org/10.1162/REST_a_00245

Kemerer, C.F., 1987. An empirical validation of software cost estimation models. Commun. ACM 30, 416–429. https://doi.org/10.1145/22899.22906

Kennan, J., 2013. Open borders. Review of Economic Dynamics 16, L1–L13. https://doi.org/10.1016/j.red.2012.08.003

Kozloski, J.R., Pickover, C.A. and Weldemariam, K., International Business Machines Corp, 2019. Blockchain for program code credit and programmer contribution in a collective. U.S. Patent 10,438,170.

LeClair, H., 2016. 65% of companies are contributing to open source projects. https://opensource.com/business/16/5/2016-future-open-source-survey

Lee, S. Y. T., Kim, H. W., & Gupta, S. (2009). Measuring open source software success. *Omega*, 37(2), 426-438.

Lindsay Lowell, A.F., 2002. Migration of highly skilled persons from developing countries: Impact and policy - Synthesis report (Working paper). https://www.ilo.org/global/topics/labour-migration/publications/WCMS_201706/lang--en/index.htm

Lynch. 2015. Lynch open source syringe pump modifications. https://www.appropedia.org/Lynch_open_source_syringe_pump_modifications

Mau, S., Gülzau, F., Laube, L., Zaun, N., 2015. The Global Mobility Divide: How Visa Policies Have Evolved over Time. Journal of Ethnic and Migration Studies 41, 1192–1213. https://doi.org/10.1080/1369183X.2015.1005007

Mayda, A.M., Ortega, F., Peri, G., Shih, K., Sparber, C., 2018. The effect of the H-1B quota on the employment and selection of foreign-born labor. European Economic Review 108, 105–128. https://doi.org/10.1016/j.euroecorev.2018.06.010

Menard, J. (2020). *Average Price Paid for a Learning Management System*. LISTedTECH. https://www.listedtech.com/blog/average-cost-of-an-lms. Accessed 20 March 2021

Microsoft. (2021). *Compare Office 365 Education Plans*. https://www.microsoft.com/en-us/microsoft-365/academic/compare-office-365-education-plans. Accessed 20 March 2021

Mission & History [WWW Document], n.d. . Engineers Without Borders USA. URL https://www.ewb-usa.org/mission-and-history/. Accessed 3 March 2021

Mook, L., Sousa, J., Elgie, S. and Quarter, J., 2005. Accounting for the value of volunteer contributions. Nonprofit Management and Leadership, 15(4), pp.401-415. https://doi.org/10.1002/nml.79

MyMiniFactory. (2021a). *Discover STL files for 3D printing ideas and high-quality 3D printer models. | MyMiniFactory*. https://www.myminifactory.com/, https://www.myminifactory.com/. Accessed 15 April 2021

MyMiniFactory. (2021b). *3D Printable syringe pump by Joshua Pearce*. https://www.myminifactory.com/object/3d-print-syringe-pump-6927. Accessed 7 April 2021

MyMiniFactory. (2021c). *3D Printable Phone Stand by Snuffy*. https://www.myminifactory.com/object/3d-print-phone-stand-12681. Accessed 18 April 2021

National Council of Nonprofits.Volunteers [WWW Document], 2015. . National Council of Nonprofits. URL https://www.councilofnonprofits.org/tools-resources/volunteers. Accessed 12 March 2021

Neumayer, E., 2006. Unequal access to foreign spaces: how states use visa restrictions to regulate mobility in a globalized world. Transactions of the Institute of British Geographers 31, 72–84. https://doi.org/https://doi.org/10.1111/j.1475-5661.2006.00194.x

NX Cloud Connected Products. (n.d.). Retrieved April 1, 2021, from https://www.dex.siemens.com/plm/nx-cloud-connected-products?viewState=ListView&cartID=&portalUser=&store=&cclcl=en_US&selected=plm

OpenCV. (2021). *OpenCV*. OpenCV. https://opencv.org/. Accessed 16 April 2021

Open Hub. (2021). The Apache OpenOffice Open Source Project on Open Hub. https://www.openhub.net/p/openoffice. Accessed 3 July 2021

Openshot Video Editor. (2021). *OpenShot Video Editor | Our Story*. https://www.openshot.org/story/. Accessed 11 April 2021

Open Source Hardware Association (OSHWA). Definition. https://www.oshwa.org/definition/

Ouaked, S., 2002. Transatlantic Roundtable on High–skilled Migration and Sending Countries Issues. International Migration 40, 153–166. https://doi.org/https://doi.org/10.1111/1468-2435.00209

Parloff, R. How Linux Conquered the Fortune 500. Fortune (2013). https://fortune.com/2013/05/06/how-linux-conquered-the-fortune-500/

Pearce, J.M., 2012. The case for open source appropriate technology. *Environment, Development and Sustainability*, *14*(3), pp.425-431.

Pearce, J. M. (2015). Quantifying the Value of Open Source Hard-ware Development. *Modern Economy*, *6*(1), 1–11. https://doi.org/10.4236/me.2015.61001

Pearce, J. M. (2016). Return on investment for open source scientific hardware development. *Science and Public Policy*, *43*(2), 192–195. https://doi.org/10.1093/scipol/scv034

Pearce, J.M., (2018). Sponsored libre research agreements to create free and open source software and hardware. *Inventions*, 3(3), p.44.

Pearce, J. M., & Mushtaq, U. (2009, September). Overcoming technical constraints for obtaining sustainable development with open source appropriate technology. In *2009 IEEE Toronto International Conference Science and Technology for Humanity (TIC-STH)* (pp. 814-820). IEEE.

Pécoud, A., Guchteneire, P. de, 2006. International migration, border controls and human rights: Assessing the relevance of a right to mobility. *Journal of Borderlands Studies* 21, 69–86. https://doi.org/10.1080/08865655.2006.9695652

Polaris Office. (2021). *Purchase and compare products - Polaris Office*. Retrieved April 1, 2021, from https://www.polarisoffice.com/en/store. Accessed 1 April 2021

Powell, A. (2012). Democratizing production through open source knowledge: from open software to open hardware. Media, Culture & Society, 34(6), 691-708.

Psacharopoulos, G., 1981. Returns to education: An updated international comparison. Comparative education, 17(3), pp.321-341.

Psacharopoulos, G. "Returns to education: a further international update and implications." Journal of human resources (1985): 583-604.

Psacharopoulos, G. "Returns to investment in education: A global update." World development 22, no. 9 (1994): 1325-1343.

Raphael, S., Ronconi, L., 2007. The effects of labor market competition with immigrants on the wages and employment of natives: What Does Existing Research Tell Us? Du Bois Review: Social Science Research on Race 4, 413–432. https://doi.org/10.1017/S1742058X07070233

Raymond, E. (1999). The cathedral and the bazaar. Philosophy & Technology, 12(3), 23.

Riehle, D., Riemer, P., Kolassa, C., & Schmidt, M. (2014). Paid vs. Volunteer Work in Open Source. *2014 47th Hawaii International Conference on System Sciences*, 3286–3295. https://doi.org/10.1109/HICSS.2014.407

Rodrik, D., 2002. Feasible Globalizations (No. w9129). National Bureau of Economic Research. https://doi.org/10.3386/w9129

Savikhin Samek, A., & Sheremeta, R. M. (2014). Recognizing contributors: an experiment on public goods. *Experimental Economics*, *4*(17), 673–690. https://doi.org/10.1007/s10683-013-9389-1

Saxenian, A., 2005. From brain drain to brain circulation: Transnational communities and regional upgrading in India and China. Studies in comparative international development, 40(2), pp.35-61.

Schelly, C., Anzalone, G., Wijnen, B. and Pearce, J.M., 2015. Open-source 3-D printing technologies for education: Bringing additive manufacturing to the classroom. *Journal of Visual Languages & Computing*, *28*, pp.226-237.

Schultz, T.W. "Investment in human capital." *The American Economic Review* 51, no. 1 (1961): 1-17.

Schultz, T. W. The economic value of education. Vol. 63. New York: Columbia University Press, 1963.

Sensorica. Peer into the future - Q and A [WWW Document], 2021.URL https://www.sensorica.co/help/qanda (accessed 3.8.21).

Sherman, A., Trisi, D., Stone, C., Gonazales, S., & Parrott, S. (2019). *Immigrants Contribute Greatly to U.S. Economy, Despite Administration's "Public Charge" Rule Rationale*. Center on Budget and Policy Priorities. https://www.jstor.org/stable/resrep27232

Siemens. (2020). *NX Cloud Connected Products*. https://www.dex.siemens.com/plm/nx-cloud-connected-products?viewState=ListView&cartID=&portalUser=&store=&cclcl=en_US&selected=plm

Simon, J. L. (1984). Immigrants, Taxes, and Welfare in the United States. *Population and Development Review*, *10*(1), 55–69. https://doi.org/10.2307/1973162

SourceForge. (2021a). SourceForge - Download, Develop and Publish Free Open Source Software. https://sourceforge.net/. Accessed 1 April 2021

SourceForge. (2021b). Apache OpenOffice Download Statistics by OS: All Files. Retrieved April 1, 2021, from https://sourceforge.net/projects/openofficeorg.mirror/files/stats/os?dates=2011-11-30+to+2021-04-01. Accessed 1 April 2021

SourceForge. (2021c). *FreeCAD Download Statistics by OS: All Files*. https://sourceforge.net/projects/free-cad/files/stats/os?dates=2002-03-17+to+2021-04-11. Accessed 11 April 2021

SourceForge. (2021d). *OpenShot Video Editor Download Statistics by OS: All Files*. https://sourceforge.net/projects/openshot-video-editor.mirror/files/stats/os?dates=2020-04-16+to+2021-04-11. Accessed 11 April 2021

SourceForge. (2021e). *OpenCV Download Statistics by OS: All Files*. https://sourceforge.net/projects/opencvlibrary/files/stats/os?dates=2001-03-15+to+2021-04-16. Accessed 16 April 2021

Tashtoush, Y., Odat, Z., Alsmadi, I., & Yatim, M. (2013). Impact of Programming Features on Code Readability. *Computer Science Faculty Publications, 7*(6). https://doi.org/10.14257/ijseia.2013.7.6.38

The White House. (2021). *Budget of the United States Government*. Retrieved March 25, 2021, from https%3A%2F%2Fwww.govinfo.gov%2Fapp%2Fcollection%2Fbudget

The Linux Foundation Releases First-Ever Value of Collaborative Development Report, 2015. . Linux Foundation. URL https://linuxfoundation.org/press-release/the-linux-foundation-releases-first-ever-value-of-collaborative-development-report/. Accessed 27 February 2021

The Linux Kernel Open Source Project on Open Hub : Estimated Cost Page [WWW Document], n.d. URL https://www.openhub.net/p/linux/estimated_cost. Accessed 28 February 2021

Trimbach, S., 2016. Giving the Market a Microphone: Solutions to the Ongoing Discplacement of US Workers through the H1B Visa Program. Nw. J. Int'l L. & Bus., 37, p.275.

TurboCAD. (2021). *TurboCAD.com - Optimize Design Workflow - TurboCAD via IMSI Design*. Retrieved April 5, 2021, from https://www.turbocad.com/. Accessed 4 April 2021

U.S. DEPARTMENT OF STATE. (2021). *Fees for Visa Services*. Retrieved March 21, 2021, from https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html. Accessed 21 March 2021

US Census Bureau, U. C. (2021). *Population and Housing Unit Estimates*. The United States Census Bureau. Retrieved March 25, 2021, from https://www.census.gov/popest. Accessed 25 March 2021

USCIS. (2021, June 9). *H-1B Electronic Registration Process | USCIS*. https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process. Accessed 2 July 2021

Vaughan-Nichols, S. J. Supercomputers: All Linux, all the time. ZDNet. 2018. https://www.zdnet.com/article/supercomputers-all-linux-all-the-time/

Wadhwa, V., Saxenian, A., Rissing, B.A., Gereffi, G., 2007. America's New Immigrant Entrepreneurs: Part I (SSRN Scholarly Paper No. ID 990152). Social Science Research Network, Rochester, NY.

Walmart. (2021). *Purchase Microsoft Office*. Walmart.Com. Retrieved April 3, 2021, from https://www.walmart.com/search/search-ng.do?search_query=Purchase%20Microsoft%20Office&&adid=22222222224210561490&. Accessed 3 April 2021

Wickramasekara, P., 2008. Globalisation, International Labour Migration and the Rights of Migrant Workers. Third World Quarterly 29, 1247–1264.

Wijnen, B., Hunt, E. J., Anzalone, G. C., & Pearce, J. M. (2014). Open-Source Syringe Pump Library. *PLOS ONE, 9*(9), e107216. https://doi.org/10.1371/journal.pone.0107216

Wiley, D., Green, C., & Soares, L. (2012). *Dramatically Bringing down the Cost of Education with OER: How Open Education Resources Unlock the Door to Free Learning*. Center for American Progress. https://eric.ed.gov/?id=ED535639

Yip, M. C., & Forsslund, J. (2017). Spurring Innovation in Spatial Haptics: How Open-Source Hardware Can Turn Creativity Loose. *IEEE Robotics & Automation Magazine, 24*(1), 65-76.

YouMagine. (2021a). *YouMagine – YouMagine - Where makers collaborate on 3D designs* . YouMagine. https://www.youmagine.com. Accessed 15 April 2021

YouMagine. (2021b). *Syringe Pump*. YouMagine. https://www.youmagine.com/designs/syringe-pump. Accessed 7 April 2021

YouMagine. (2021c). *Smart One Handed Bottle Opener*. YouMagine. https://www.youmagine.com/designs/smart-one-handed-bottle-opener. Accessed 15 April 2021

YouMagine. (2021d). *Bicycle phone holder*. YouMagine. https://www.youmagine.com/designs/bicycle-phone-holder. Accessed 16 April 2021

YouMagine. (2021e). 3D-printable Glidecam. YouMagine. https://www.youmagine.com/designs/3d-printable-glidecam. Accessed 19 April 2021

YouMagine. (2021f). *Protective Visor by 3DVerkstan*. YouMagine. https://www.youmagine.com/designs/protective-visor-by-3dverkstan. Accessed 28 April 2021

YouMagine. (2021g). *YouMagine – Derived designs*. YouMagine. https://www.youmagine.com/designs/protective-visor-by-3dverkstan/derivatives. Accessed 28 April 2021

YouMagine. (2021h). *Stack Breaker for 3DVerkstan Visor*. YouMagine. https://www.youmagine.com/designs/stack-breaker-for-3dverkstan-visor. Accessed 28 April 2021

Zelenika, I., & Pearce, J. (2011). Barriers to appropriate technology growth in sustainable development. *European Journal of Sustainable Development, 4*(6).

Zoho. (2021). *Online file Storage - Document Management Software | Zoho Docs*. Zoho. Retrieved April 3, 2021, from https://www.zoho.com/docs/zoho-docs-pricing.html

Sustainable Support for the Refugees: Approaching the Refuge as a Process in Seven Stages

Irina POP

Abstract. The general aim of the analysis, that we are involved in, is devoted to exploring the EU possibilities – institutional, civil society, and volunteer persons - to improve the support for the Internationally Displaced Persons (IDPs), commonly called "refugees"; to grant its sustainability. It introduces two main ideas. The first idea is that the international "refuge" is a process that is to be understood and managed in five main stages 1. Admission, 2. Transit, 3. Insertion, - 4. International Protection Status or Subsidiary Protection Status received 5. Voluntary repatriation. The second main idea proposed is to take into consideration that in any process of the refuge and refugees' protection, there are two parts a) those who assume the duty to protect and b) the protegees. Accordingly, the protection should have its peculiarities for each stage. In addition, each of the two parts sees the facts from its own angle. The protectors understand and project the refuge's management from the perspective of the costs involved and that of the available resources and efforts to solve the problems. The protegees see their needs and to what extent these are met. They also see their undeserved suffering. Accordingly, they expect to be assisted to put an end to the refuge cauchemar as soon as possible. To harmonize the perspectives and to conciliate the needs with the available resources, is to put both perspectives together, to enlarge the concept on what the process supposes. To communicate the concept of refuge which encompass the mentioned perspectives – among the officers, NGOs' members, volunteers that took the mission to support the refugees and further among the receiving communities' members - is a necessity. It is also to deploy efforts to deeply communicate on the refugees' needs and issues among the actors mentioned above. In parallel, it is to develop the communication on the assistance and on its limits (caused by the limited available resources) to the refugees and among them. To contribute to this communication, we elaborate the schema of the refuge' stages, with their main contents seen from both the parts involved. On the other hand, we introduce the Pyramid of the Refugees' needs. To concretize the theory, we also are trying to present Romania's politico-legislative frameworks in the special case of the massive influx of internationally displaced persons (IDPs) and its effectiveness on the Ukrainian "refugees", de facto IDP protection, according to the UN, adopted by the EU too, minimum standards. Here below we focus only on the schema of the stages*.

Keywords: *Forcibly displaced population (FDP); Stages of the Refuge: Escaping, Admission, Transit; Insertion of the FDP by the receiving state; Refugees Integration, Refugees' Voluntary repatriation; Refuge' Consequences and Traumas on ex- Refuge & Reparations for the Victims*

Introductory notes

EU is constantly blamed as being a fortress, with many barriers against the non-EU citizens' entrance, insertion, residing, and integration here. Although there are all around Europe large diasporas of foreigners speaking more than 100 languages and dialects, there are large categories of legal migrants yearly welcomed in the EU, and Europe is one of the largest sanctuaries for refugees from all around the world.

From a Leftist point of view, the EU policy is constantly criticized of being reluctant to the integration of foreigners or at least of being not enough supportive as policies to integrate, as founds for integration, and as cultural empathy cultivated and showed. In the most radical leftist views, it is alleged to be unjust and discriminatory with foreigners, and even with immigrants' descendants. From the Rightist point of view, it is also criticized of being unjust to his citizens who are called to pay social contributions to be distributed to foreigners who do not work, and who generates different damages and issues to the European still of life.

A member of the Romanian Borders' Guards told a story about his professional frustrations that, he claims, are quite a general. *"A small group of Somalis crossed the border – external border of the EU - illegally and without any document. The youngest one, when the Police Border handcuffed him - on the breaching the Border Law – he took his telephone and asked the officer that handcuffed him to accept a picture with him. He raised his arms as a champion with his/her trophy and showed up a happy smiling to camera! For my family – he said to the astonished officer! They do not take us seriously, as a Police body - commented the officer!"[1]*

The two cases evoked lead to address as an important political question: "Do we analyze the issue of refuge using a correct pattern? Is it adequate to the reality seen from the perspectives of those who are to benefice and to those who have – this time – to pay for?"

We try to answer such epistemological questions – epistemological, but with

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[1] The misunderstandings were unavoidable here, because the perspectives were different but completely ignored in their difference. The two actors of the scene interpreted from different perspectives the same fact: the admission stage in refuge process. For the young Somali the getting into the "EU fortress" was the triumph in his battle to save his life threatened in the gangs' wars in the failed state of Somalia! For the police borders' officer, it was a case in law, which is a not a joke! The actors, on the behalf of pragmatism, remained to the fact, ignoring that the fact is itself indebted to the perspective of the culture that refer to it.

results in reality – by using a pattern in two steps. The first is to puts in parallel the perspectives of those who are to enter the EU as refugees[2] – massive influxes of refugees - and those who are to receive them and to manage their options – under the constraints of financial resources and of their own capacities to face a huge a new for their problem: the problem of reconstructing an interrupted life. The second step is to look at the refuge as a process with different issues and contains different five stages.

The resources that we used, apart from the UNHCR documents and tools - handbooks and guidelines inspired by the fieldwork – are the EU Directives and their transposing into Romanian legislations regulating this EU policy area, the reports on the Ukrainians arrived in Romania after 24 of February 2022, small investigations – 36 interviews - on the ex-refugees in Oradea, now Romanian citizens, and the discussions with police borders officers. (The attempts to interview persons with no ID documents that claim to be refugees when they were in the custody of the regional Inspectorate for Immigration – IGI – felt.)

To quest the core of the refugees' problem, the integration, we conducted interviews (30) with Romanians living today in today Germany (Bavaria). We interview people are a) ethnic German born in Romania, b) others as descendants of ethnic Germans, c) some as ex-fugitives from Communist Romania (political refugees), d) others as Romanian illegal migrants to Germany (1990-2007), e) undocumented migrants (entered legally for a period of 90 days, but who do not

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[2] We define *the refugee's* notion as notion for an internationally refugee. It is taken accordingly with the 1951 *Geneva Convention on Refugee Status.* We do not count in the number of refugees as the all Internally Displaced Persons. The refugee is a legal status, recognized by an institution habilitated to do it, on the grounds of the international treaties, 1951, *Geneva Convention, 1967, New York Protocol on Refugee; 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, and 1984, Cartagena Declaration.* Accordingly, *a refugee is a person* who has crossed national borders and who cannot or is unwilling to return home due to well-founded fear of persecution.

Five types or persecutions are recognized in warranting the status of refugee to a person: racial, religious, political, linguistic, cultural in the UN treaties, the OAU and in 1984 *Cartagena Declaration* extended the refugee' definition:

"a *person who have fled his/her country because his/her lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order".) The stateless persons* are included.

In the popular culture, an international refugee is – simply - *an Internationally displaced person, or a specific migrant, who deserves much more attention. (*The cautions against those who represent danger for national security, public order, against terrorists, sentenced criminals or other that are abusing the humanitarian rights, are ignored, in this over simplified definition.*) For the sake of the popular culture, that prefers *"refugees"*, for the persons internationally forcibly displaced we will use below the term "refugees".

return when the period expired, after 2003); f) others EU citizens living and working in Germany as the EU citizens, after 2007. The interviews cover the main political categories and gave the atmosphere of Romanian ex-refugee life in Germany and their' feeling on their integration, in one of the EU states, with the most elaborated policies in integration. (They do not give and did not intend to give a statistical image of the Romanians' integration in Bavaria.) We also appealed, as precious resources in approaching the refuge's stages, to the published memories of some refugees.

The concrete contents of feeling and acting on the refuge resulted from the two different perspectives of the hosts and hosted persons. That is there are differences between the specific meanings that the reality of the refugee's life has for themselves and for those who host them. Taking into account stage by stage, both sides is to find a way to solve a delicate issue: harmonizing the two parts with different visions and different expectations, cultures, and resources.

By consulting the sources mentioned, especially, the EU norms in regulating the field of refuge and asylum, international conventions and their additional implementation tools, and by reading reports on refugees published by the EU and UNHCR, Agency for Refugees, we hope to find out the content the refuge process in each of its five stages and how the contents change with the perspective embraced. The learning results were planned to be largely shared after.

Practically, we hope to achieve a simplified description of the refuge process' stages and their contents. From the refugees' perspective, the five stages plus, that we try to simply describe are *1. Admission, 2. Transit, 3. Insertion, -* for temporary protected persons, for the Asylum applicants, for those protected internationally or subsidiary *-, 4. Integration* for the Asylum seekers, Internationally or Subsidiary Protected Persons, 5. *Voluntary Repatriation* plus their praeludium *stage O (pre-refuge stage),* with the two subcategories *0 A (Escaping from a threatened Home and the area where the threats to death are present) and 0 B (Escaping from motherland threatened by war or Crossing the border).*

From the host states' perspective, the stages, simply presented, are 1. Refugees' Admission, 2. Refugees Transit, 3. Refugees Insertion, 4. Refugees Integration, 5. Refugees' voluntary repatriation of Refugees with a Temporary Protection Status ended.

Epistemologically, we attempt to draw an epistemological lesson on how it is to think and speak about refuge and refugees. We attempt to provide a way of thinking on the two perspectives, in terms of: Is one part's perspective more accurate than the other? Is a synthesis of the two possible? Or, in fact, fairness is reachable if you

simply precise the perspective that is embraced to get reports on the refuge and refugees.

By conducting field research, we aimed to understand the specific meanings that the reality of the refugee's life has for themselves and for those who host them in each of the five stages.

1. **The "refuge's" stages at a glance**

1.1 Main stages in the route to the safety of a "refugee" and the two perspectives on their content

At a glance, the main stages in the route of the fugitives – being the evacuee, the forcibly displaced peoples or people that took this way on their own initiative - who cross the borders as Internationally Displaced Persons are listed in the table below. Seen from the perspective of the fugitives, there are 1) F*leeing from war and Reaching a safe country*; **2)** F*leeing from war & the **Transit** to another safe country requested personally*; 3) **T*emporary settlement in a country of protection***, *up to a maximum of 3 years*; 4) **L*ong time settlement*** *in a country of protection*, after an asylum application is positively solved; 5) **V*oluntary repatriation.***

The criterium to distinguish among them are the fugitive *options* and the *safety that they got*. The first stage, **R*eaching a safe country*,** is about the threatened people to flee from their homes and to leave the state where the persecutions, risks, or/and threats to their life were more and more present or even unbearable and to get into a country where such risks are impossible. It is a completely other policy and jurisdiction that grants the human being's safety, human rights, and dignity. The second one, *the **Transit** to another safe country* it is about their option to go further to a state where they estimate that will be granted better material conditions to live. (Safety, human rights, and dignity are also granted.) In stage three, the stage of the **T*emporary settlement in the country of protection*,** the people get temporary protection that is comparable with that of the national citizens, in terms of the guarantees for the human being's safety, human rights respect, and person's dignity protection. It is also comparable with the access to the opportunities to work, housing, schools, and health care, plus possibilities to benefit from the social assistance, available in the country. In addition, the private donors, the NGOs, and the volunteers support supplementary Internationally Displaced Persons, proving solidarity with people in need. It is a stage that we call insertion. In stage four, the

L*ongtime settlement,* a stage accessible only after an asylum application positively solved, the protegees got all the previous guarantees for the human being's safety, human rights respects, and the person's dignity protection as well as all there are given to them opportunities to work, housing, schools, and health cares. Mainly, all the supports available in the insertion stage are active. The novelties are: the supports are indefinitely available and there is open for them the possibility of naturalization, to become citizens of the state of protection. Stage 5 is the stage of ***Vo**luntary repatriation***[3]. It is a repatriation assisted by the hosting state and the UNHCR plus the specialized NGOs.

There are two perspectives of describing the facts, that of the refugees and that of the hosting state. Firstly, they are defined from the perspective of the *Forcibly displaced peoples who cross the borders,* called in popular culture, the *refugees.* Here, there are emphasized the needs and expectations of the Internationally Displaced People (IDP). The complementary perspective is that of the hosting state. As contents of the stages, the hosting state's perspective comprises the duties assumed by it, under the political and legal obligations contracted under the international conventions signed and ratified. In brief, there are institutional duties. To them, there are other duties – un-informal, but important as immediate and warm movers in the IDPs' protection. There are the duties fulfilled by the receiving

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[3] The *voluntary repatriation* is not to be confused with the *voluntary return*. The concept of *voluntary repatriation* is a free option of an ex-fugitive or of groups of ex-fugitives that estimate that they can return safely at home. According with the EU norms, the *EU Council Directive 2001/55,* art. 21, (1), (2) and (3), they must be completely informed on what they must expect when they decide for voluntary repatriation. There are the international organizations involved in the refugees' protection, mainly by the UNHCR, the protective state the first responsible to fully inform them on the situation in the home country.

When the status of the temporary protection ends (when there are no more risks and threatens toward the ex-temporary protected persons), the voluntary repatriation is the most recommended alternative for the ex-refugees. The other alternatives will be an individual asylum application or the deportation.

They also must be assisted by the same actors until the ex-refugees arrived and get inserted at home.

 (The political concept of the *voluntary return* is designed for those migrants that were under illegal conditions in one of the European countries and accept voluntary to be returned in the country of origins under different programs nationally financed and administrated. In the Western countries, there is a common practice to "compensate" the migrants to voluntary return back in their countries of origins. The media uncovered that the migrants are paid to leave– e.g. *The Independent,* https://www.independent.co.uk/news/world/europe/france-immigration-refugees-migrants-ofii-didier-leschi-a7439421.html – but similar documentations of the journalists from *The Guardian, The Telegraph, The Times, Der Spiegel* proved that sums among 500 Euro, (Italy) and 3000 pounds (UK) were paid to migrants to leave. There are also state' programs in Western countries to advertise and to support the migrants' voluntary return. As examples could be quoted: the Austria's program for voluntary return, *RESTART III*; the ex-Belgian program *Return and Emigration of Asylum Seekers*; the Spanish government *Voluntary Return Plan.)* In many European states, it is an alternative to deportation.

society's culture of solidarity, its' active moral, and religious obligations to be solidary with people without shelter and resources, especially with the vulnerable ones such as children -firstly, with the unaccompanied minors-, elders, disabled persons, pregnant women, mothers with small children, injured people, sick persons etc.) The specialized international organization, the hosting state and the NGOs advertised them as the "refugees" rights. To compact the text and for the sake of the popular culture that prefers the term *"refugees[4]"*, for the persons internationally forcibly displaced, we will use below the family of the term "refugees" and the entire family of the notion of refuge. Fully aware that the meaning of the term "*refugee*" – familiar for popular culture - is technically inexact, we introduced the quotation marks.

The "refugees" stages - presented above as a process with two main categories of participants, the protegees and the protectors - are severely simplified. *De facto,* in the route to a safe country of those that flee from persecutions or threats toward their life or dignity, there are seven obvious stages. There are also other two stages to be considered: *Preliminary stage in the "refuge" process, the Stage 0, (0A and 0B),* as well as the *stage* in which the ex-fugitives feel as active as their *refuge's traumas.* This is *the stage, the Stage 5+.*

Figure 1. Five main stages in an individual's refuge

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[4]In the European languages, the term *refugee* derives from the Latin language and Roman culture. The roots of the terms are the verb *fugio*, *fugere*, *fugi, fugitum.* Fugio is "to flee", and *refugium*, "a taking [of] refuge place". The meaning is mainly similar with the word and institution of *sanctuary.* It evokes the practice of the protection of those pursuit by the oppressive forces. Getting a shelter into a church is the most known custom of the sanctuary' culture. Historically, the Romanian culture of sanctuary, imposes to the executioner to stop any action against a convicted person, who is *ad hoc* chosen as his groom by a virgin. (Hasdeu, *Razvan si Vidra*). In Europe, the first codification known of such a protection, is the 1697 *Declaration of Indulgence in England and Scotland.*

In Western history, the term *refuge* was first applied to French Protestant Huguenots looking for safe place against Catholic persecution after the first *Edict of Fontainebleau 1540.* But the meaning of the term is older. According to the *Merriam Webster Dictionary,* historically, churches have been places where fugitives could seek at least temporary protection from the law. In Anglo-Saxon England, churches and churchyards generally provided *40 days of immunity*, and neither the sheriffs nor the army would enter to seize the outlaw. But gradually the right of sanctuary was eroded. In 1486 sanctuary for the crime of treason was disallowed, and sanctuary for most other crimes was severely restricted by Henry VIII and later abolished. In the 1980s many U.S. churches provided sanctuary to political refugees from Central America, and the U.S. government mostly chose not to interfere. Today, wildlife sanctuaries provide protection for the species within its boundaries, and farm-animal sanctuaries now rescue livestock from abuse and starvation. The term *refuge* is present in English language in the seventeen' century. The word longtime means "one seeking asylum".

Around 1916, when it evolved to mean "one fleeing home", applied in this instance to civilians in Flanders heading west to escape fighting in World War.

Stage	"REFUGE" STAGES CONSIDERED FROM THE "REFUGEE'S" POINT OF VIEW	"REFUGE" STAGES CONSIDERED FROM THE RECEIVING STATE'S POINT OF VIEW
1.	FLEEING from WAR and REACHING A SAFE COUNTRY (ESCAPING)	ADMISSION IN A COUNTRY OF PROTECTION
2.	FLEEING FROM WAR & TRANSIT TO ANOTHER SAFE COUNTRY REQUESTED PERSONALLY	*TRANSIT ENSURED* TO ANOTHER COUNTRY OF PROTECTION
	TEMPORARY SETTLEMENT IN A COUNTRY OF PROTECTION up to 3 years	INSERTION into the social life of the receiving community as a temporary protected person (3 years renewable) as an asylum seeker
4.	LONG TIME / DEFINITIVE SETTLEMENT IN A COUNTRY OF PROTECTION	INCLUSION/ INTEGRATION of a "Refugee" as an internationally protected person as a subsidiary protected person as a naturalized person
5.	VOLUNTARY REPATRIATION	SAFE REPATRIATION OF A REFUGEE SUPPORTED by UNHCR & RECEIVING STATE

1.2 A more complex view on the stages of the refuge

As we noted before, the main stages listed above are the core of a "refuge" process. They are preceded by *Stage 0* and succeeded by a final stage, *Stage 5+*. A more complex list of the stages is done in the table below.

FIGURE no. 2. STAGES OF "REFUGE" SEEN FROM "REFUGEES"' AND FROM RECEIVING COUNTRY' POINT OF VIEW

Stage	REFUGE' STAGES CONSIDERED FROM THE REFUGEE'S POINT OF VIEW	REFUGE' STAGES CONSIDERED FROM THE RECEIVING STATE'S DUTIES
0	*ALLERTS ON WAR and PREPARING TO FLEE FROM WAR out of HOME, out of HOME-CITY & DECISSION TO ESCAPE from WAR and PERSECUTIONS*	*ALLERTS ON POTENTIAL MASSIVE INFLUX OF "REFUGEES" TO ITS BORDERS* *Preparedness for OPENING THE BORDERS*
1.	REACHING A SAFE COUNTRY	ADMISSION IN A COUNTRY OF PROTECTION
2.	REQUESTED PERSONALLY TRANSIT FROM A SAFE	*TRANSIT ENSURED* TO ANOTHER COUNTRY OF PROTECTION

	COUNTRY TO ANOTHER SAFE ONE	
3.	SAFETY PROVISIONS FOR A TEMPORARY SETTLED PERSON	INSERTION into the social life of the receiving community as a temporary protected person (3 years renewable)
4.	SAFETY AND BELONGING for the LONGTIME RESIDENTS into a country of protection or for the NATURALIZED EX-REFUGEES	INTEGRATION /INCLUSION's PARTNERSHIP as the longtime residents an asylum seeker as an internationally protected person as a subsidiary protected person as naturalized persons (citizens, born abroad)
5.	VOLUNTARY REPATRIATION	SAFE REPATRIATION SUPPORTED by the Protecting State & UNHCR
5+	*CONSEQUENCES OF THE DISPLACEMENT ON THE REFUGEES:* *LOSSES of THE BELOVED PERSONS* *Loses of the life sense* *Loses of their possessions* *TRAUMAS, that push some of them to suicide*	Duties of the aggressors to pay - *COMPENSATIONS (material & psycho- cultural)* Duties of all the political and civic bodies – states & organizations - to do their best to - *PREVENT the harming consequences of the refuge on individuals* - *PREVENT wars and political persecutions.*

1.3 The stage O and 5+ of the refuge and some possible explanation on their ignoring in the analyses of the refuge

As could be seen in the previous figure, - FIGURE no. 2, this text pleads for considering the "refuge" process as a process in 7 stages. The five ones are regularly considered implicitly in the analyses, policies papers, handbooks[5] etc. (In the present analysis, we introduced only one single difference toward the traditional approaches. We detached as an autonomous stage, the *Insertion,* and did not melt

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[5] UNHCR (1979): *Handbook and Guidelines on Procedures and Criteria for Determining Refugees Status,* Geneva UNHCR, (reissued, 2011 http://www.refworld.org/docid/4f33c8d92.html and in 2019, available at 5ddfcdc47.pdf (unhcr.org) ; UNHCR (1992): *Handbook - Voluntary Repatriation: International Protection.* Geneva: UNHCR, Department of International Protection. available at http://www.refworld.org/docid/3ae6b3510.html.; *UNHCR (2002): Manual. Operations Management System*. (unhcr.org).; *UNHCR (2011): The Field Handbook for the Implementation of UNHCR BID Guidelines,* (unhcr.org); *UNHCR (2018): Global Compact on Refugees,* available at UNHCR - Global Compact on Refugees – Booklet.

it into the large category, *Integration.* We do it trying to reflect the reality, as the refugees themselves presented it to us, and as it is managed in the field, we operated the mentioned separations: between *Insertion* and *Integration.)*

In the literature, we acknowledged a few[6] suggestions for considering *Escaping* as a specific stage. Although, reality pushes us to recognize it. Let's think only of the crucial importance of the civilians' refuging of the humanitarian corridors or of the simple fire ceasing[7], to allow them to flee. The massive influx of Ukrainian refugees, that Romania has had to deal with recently, 2022 starting from February, pressed our understanding to acknowledge theoretically what the reality differentiates. Reality taught us to see *Escaping* as a dramatic strive to get salvation and to save. A girl fleeing bombs, caring on her back her dog, is a global symbol image, for what escaping is. On Romanians TV reports the facts of escaping were current and impressively variate. They tell with facts that *Escaping* is a stage, possibly the most shocking one of all. The Ukrainian persons, until February 24, secure in their secure home, city, and country, became instantly homeless, city-less, and threatened to be country-less. We saw daily more and more media reports, on mothers with freezing children, crossing the Romanian border on foot, after long hours in queues at the Ukrainian side of the borders with Romania, after long and dangerous journeys (of days) across their bombed country. TV reports showed people in the snow, in very cold weather, looking for support among strangers speaking a totally different language. Somebody was telling a reporter, a child's remark: here is less cold! The people telling their stories on how they arrived here – in media and directly in the interviews – emphasize how difficult was to decide to leave, and, after, to find an appropriate route to get out of their destroyed home city or village and further, a route to a safe country. How difficult was it to rely on themselves, on their individual chances, when their country was under attack? This is *Escaping!*

In the summer of 2022 – when Russia President's decreet established partial mobilization - we saw on media reports the long queues of cars with people from Russia trying to escape to Georgia, Kazakhstan, or Finland.

Under the impressions created by the Ukrainian "refugees", the old stories about what the refuge and deportations were in Romania, uncovered how much

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[6] A theoretical account on *Escaping* – seen from the perspective of the international protectors – could be found in Gilbert, Geoff, and Rüsch, Anna Magdalena, (2017): Policy Brief 5, *Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?*, Kaldor Centre for International Refugee Law, June, 2017.

[7] In 2022, the Ukrainians civilians, besieged in a Mariupol factory, Azovstal, were deprived by their right to refuge for more than 40 days.

kinds of harm the settled people suffered, how many traumas are related to the war's refuge, and how vivid they are in the individuals and communities' memories:

- deportations – forcibly removed people from their cities, and countries -, with their cohorts of evils as families destroyed, children sent out of families to be saved, the families' lost, sufferance, forced labor, exploitations, victims of the medical experiences conducted on them, disabilities, misery, diseases, chaotic movements (free to get home, but not knowing where), no energy to return, no homes to return at, plus possessions destroyed and confiscated …

- evacuations – remove the civilians from their cities in order to protect their lives.

- and the hell to live with the horrible memories when they become the victims of their unbearable cauchemars and many committed suicides.

- the hell to life with the misunderstandings on their traumas,

- or capacity to forgive[8] etc.

"My first memories are not from our home – G.S. said. (I only learn about it, again and again. I know it well, although I never succeed in getting in. When my parents returned from Auschwitz, here in their grandparents' home and city home, our house was occupied by other people. It was other people's house, the house of numerous refugees' families, impossible to relocate. My parents accepted that there is no there house anymore. They rented two rooms on the Delavrancea Street, with access to a kitchen and bathroom. My first memories are from there. More precisely, I remember people sitting on a large table and me under the table looking at their huge feet's which stepped my light! (My parents' friend speaking about their lost homes, my parents speaking on ours, where I never entered.)"[9]

My grand-grand ma' told to us, how she fled, to the other village, in the forest, and how she lost my grandma and other members of the extended family, who refused to leave the house! (IP.)

My godmother, CF, told us - about her beloved mother's family house, a house in Cernauti (today Ukraine), "situated at the N. Iorga's Street, no. 4, nearby the University" – she recited with nostalgia. C. never has been there. (She was born in the refuge time.) Although, she kept in her heart the memory of the home, that her mother many times told her, is waiting to warmly embrace her" – she said.

C. and her mother refugeed four times and death passed very close to them,

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[8] Eva Mozes did and advocated the acts of forgiveness among the victims of the WWII, the descendants of the war criminals and the direct victims, that got the power to cross over.

[9] G.S., born in a camp, in family of the last transport of deportees from Oradea - those times belonging to Hungary – came to Oradea, Romania. After a very complicate life story, qualified as an engineer, lived in Israel, Nigeria and again in Romania. He never recovered the family house.

at least two times. One time, together her mother, her uncle, and other people evacuated in an emergency. The truck of refugees, where they were sitting on a tractor weal occupied quite entirely the available space. The truck was bombed and overturned in a fairly deep puddle. Her mother, covered in mud, could no longer come to the surface. Exhausted gave up until she heard her daughter's voice (C's voice), calling from the middle of the tractor wheel: Mother, Mother. I can't see you! She reached the lifeline. Since then, the mother many times told her, with special gratitude: "You saved my life!"

Other stories are tragic. *"My life ended there, told her grandmother to Hanna (Auschwitz)! You, and today's family, you, are only my duty!"* People – who arrived home from deportation – were rejected from their previous communities[10], because … they were the victims of the tragedy.

We rarely found analytical literature on the traumas created by the "refuge", to the individuals[11], to the communities where they arrived as victims, and to the entire humanity injured and weakened in its solidarity.

There are cases when the victims themselves refused to speak about what happened to them. They feel ashamed and longtime kept silent, even toward their own family.

Stories like the previous ones, and many others, legitimate the category that reflects the traumas and the consequences of the refuge, and the legitimation of the claim for justice for the victims.

1.4 Why the stages 0 and 5+ missing in the major analysis of the refuge process?

The possible explanations of the stages' avoidance could be of two kinds: general, with the reference to the refuge as a process, and peculiar, regarding the stages **0** and **5+**.

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[10] Khalaf, Farida and Hoffman, Andrea. C,. (2016): *The Girl Who Beat Isis: My story* , International Edition is a report from the hell and about how difficult it is to escape from there, based on the experience of a young Yazzidy rapped by ISIS. Farida describes the *Escaping* stage from the perspective of personal experience. She provides the evidences that only a subject of the rape who succeed to escape could offer. The story of the life of the dr. *Miklós Nyiszly,* the forensic medic that worked for Mengele and finally arrived to suicide, spoke about the traumas that a deportee has to face for his/her entire life.

[11] The perspective of the specialists that cure the PTSD, psychological disorders of refugees with origins in the trauma they suffered in their way to a safe country could be founded in Jubilut, Liliana Lyra; Madureira, André de Lima. The Challenges of the Protection of Refugees and Forced Migrants in the Framework of Cartagena + 30. *REMHU, Revista Interdisciplinar da Mobilidade Humana*, vol 22, n° 43, p. 11-33, Brasília, July/Dec 2014.

The avoidance of the theory on the refuge stages – with their use only fragmentary and implicitly – could be found in three main aspects.

Firstly, the avoidance of the theory of stages could be explained by the "traditional" view of it, a view grounded in the fact that the refuge was historically a peripheral one, quantitatively and qualitatively. Few refugees and not-determinative for the nature of the global solidarity around the definitory values of humankind characterized the previous epochs of our history.

On the other hand, the contemporary massive influx of refugees found humanity limitedly prepared. The entire available social energy of those states, which admit refugees, must be directed to solve the concrete problems of supporting the refugees, according to the principles, and to do it without delay. That is, the protectors are overwhelmed by the refugees' fluxes and by the issues connected to their support.

In the same explanation comes the overwhelming work to assist the huge number of evacuees, deportees, and "refugees" across the world. Globally, the "refugees" number become higher and higher, with a 1.2% /yearly's increase. At the end of May 2022, the total number of forcibly displaced persons raised to 100 000 000, according to the UN High Commissioner for Refugees, Filippo Grandi[12]. The asylum was granted to 26,6 mil out of 100 mil. Out of them half are internally displaced persons. That is out of 2 people seeking asylum only 1 got it. Technically, only those got the status of a refugee, practically the status of persons under *international protection,* or *Subsidiary protection.* (The other "refugees", the internally displaced persons (IDPs), and the asylum seekers[13] who did not get the status are on themselves. At the global level, according to UN High Commissioner for Refugees, in 2022 the IDP number reached 50,9 million people, and those in the process of asylum of 4,4 mil.) The increasing tendency of the phenomenon of forcibly displaced persons (FDPs) is constant and, probably, irreversible. On the other hand, protection becomes a mission more and more demanding because of the huge and increasing refugees' number. It also becomes more and more complicated because of the complexity of the issues that the protectors must face. Let's think only of the refugees from East D.R. of Congo, shouted in the spring of 2018, by the army and police in Rwanda because of their opposing to integrate in the Rwanda program for

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[12] UNHCR (2022): *A record of 100 million people forcibly displaced worldwide* available UNHCR: A record 100 million people forcibly displaced worldwide || UN News. consulted, October, 2022.
[13] UNHCR (2022): *Refugees statistics*, available at Refugee Statistics | USA for UNHCR (unrefugees.org). consulted, October, 2022.

refugees' integration[14].

The protectors are also overwhelmed because the refugees' typology expands constantly. As results, we have the refugees from wars, the political refugees – as they were defined after the World War II – and new categories, not yet accepted in the political definition. (e mention here the victims of the natural disasters – floods, volcanos' eruptions, desertification of lands other times hospitable for life, as it is the case in Asia, with the riverine civilization along the Uzboy river, a tributary of the Oxus River (today, Amu Darya). A new category not yet included in the political definition is the displaced persons because of the chronic drought etc. A new already predictable category of refugees is the famine's displaced persons out of their country, the starvation refugees. With global warming and the flooding in coastal regions across the globe, it is not excluded, that in a decade a new category of refugees would appear: the coastal refugees.

We have also special categories of "refugees", as those of vulnerable persons. We have in mind the unaccompanied minors escaping or trying to escape from catastrophes (or even driven away by their parents to save them from extreme poverty, or risks of dying by the lack of water or access to resources); the disabled persons, the pregnant women, the sick and wounded persons; the victims of trafficking in human beings, the elders, and others.

Recently (starting with September 2022), the people fleeing from Russia, (on the verge of the decree on the *partial mobilization of Russian citizens* to fight in the "special military operation" in Ukraine) become a category to be carefully analyzed, and not rejected *ab initio*.

Secondly, the avoidance of producing a "big picture" on the refuge process, and its components – the stages - could relate to the refugees' condition. They put limited interest in the conceptualizing. The individuals' pressing concern is getting admitted and surviving in the new environment. That is, the victims are limitedly not interested in analysis and on what is the pattern of what happens, in stages. They are concerned to resist. Post-festum, as we noted before based on the memories of the ex-refugees, that heroically accepted to open their deep wounds and to speak, the victims are bound in the circle of silence-shame-pain-silence. In brief, there are the very subjects of the refuge that kept the topic ignored.

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[14] Ntanyomar, R., Delphin, (2020): *Congolese refugees in Rwanda: two years of silene or fear?* Available at https://easterncongotribune.com/2020/02/21/congolese-refugees-in-rwanda/. consulted, October, 2022.

The third explanation for the difficulty to find a theory on the stages of refuge could be the angle of approaching the refuge. Those who regularly deal with the topic are politicians and jurists. Their work is consisting of rules, laws, institutions charged to operate, procedures, and good practices; all of them focused on the duty of the state to be in line with the principles of non-refoulment, non-discrimination, non-exclusiveness *hic et nunc*.

The peculiar reasons to regularly ignore the stages 0 and 5+, to operate with them neither implicitly, could be – aside from the general reasons listed above – their peculiarities. Indeed, they are stages where the "protectors" are not there, with some exceptions[15] and circumstantial acts when the "refugees" get wounded, or in the other emergency situations when the Emergency Units act.

The protectors that do not intervene yet are the first peculiarity of stage 0. It was the peculiarity of stage 5+. Recently, - in 2012 the EU adopted the *Directive of Victims*[16] - and there is in the EU a legal framework to partially compensate victims of crimes – inclusively of those victimized during a refuge process -. For the traumas generated by the refuge, there are no repairments possible.

Conclusions or why the refuge process is to be considered in the stages?

Listening or reading the stories on the refuge, as they are done in the refugees' memories or interviews, looking at specific needs that the refugees experienced in the stages cannot be ignored. (The classical stages mentioned above and their psycho-social content[17] do not result naturally from each real story of a person who experienced the refuge. Although familiarity with many cases discloses the pattern of the multi-stadial process, which consists of the Admission, Transit, Insertion, Integration, and Voluntary Repatriation of the person who runs from hell, preceded by the Escaping, and ended in the Refuge's Consequences, and many times, in the Traumatic experiences of the "refugees".) It is undeniable that the

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[15] As exceptions to the general rules that the people are on themselves, in the first moments, when they flee from war, there are to be mentioned as present there to protect: the domestic local authorities, which alarm the inhabitants and direct them to the less risky routes; the Red Cross – and similar NGOs – that organize the "the humanitarian corridors for refugees"; the UNHCR that call for temporary protection in the neighboring save states and monitories the HRs respects during the fled etc.

[16] EU (2012): *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime* available at EUR-Lex - 32012L0029 - EN - EUR-Lex (europa.eu), consulted May- October, 2022.

[17] We approached the contents of each stage in the paper: Irina Pop (2022): *Stages of Refuge's Contents,* submitted to be published in the JIMS.

reality of the refuge, seen from a refugee's perspective, is a reality in stages. There are stages in the refugees' needs, in their actions to cope with their situation.

Following the interventions of the "refugees" protectors, it becomes obvious that there are stages in the refuge. There are stages when the refugees face specific challenges and the "protectors" assist them in specific ways. Again, the Admission, Transit, Insertion, Integration, and Voluntary Repatriation emerged as phases with specific features, which require distinct evaluations of the concrete conditions of refugees; distinct efforts of special human resources, distinct budgetary efforts, distinct assessments on how the refugees' needs were cover. In one word, it is impossible to ignore that the policy in refugee assistance, as a unitary policy deployed in five main phases, is a policy that must be adequate in each moment, and it must be adequate in each stage of the refugees' route. The same pattern lets us know about the stage of Escaping as the pre-refuge stage, and on that the Consequences and Traumas in the post-refuge stage, as the stages most ignored in the lessons on the refuge. The stages appear as distinct phases of the same process, which let us see their specific content and their interconnections and mutual dependencies.

All of these prove that there are stages in the "refuge" and their understanding, by those who take the mission to protect the refugees, is imperious for more effectively and efficiently organizing their protection.

It is disputable, whether the refugees will take advantage of the concept of the refuge in stages. Similarly, it is under some doubt, if familiarity with the big picture of the refuge could help them to early acquire a status of dignity in the hosting society. It is under discussion if the protectors would benefit from the acknowledgment of the stages of refugees when they have only specific and limited missions in supporting refugees.

In brief, it answers the big question: Does the stadial approach improve the refugees' life? Does it optimize the temporary protectors' circumstantial actions and efforts?

More contributions to firmly answer the questions above are needed.

As for us, we do believe we proved consistently that, the stages exist, and it is legitime to speak on them according to real life.

On the other hand, it is pragmatic to operate to the notion of the stages. Why? Because the stages' notion indicates what needs are to be covered and how the limited resources available are to be used; the stages indicate what is to be

prioritized now, and what is highly probable to happen tomorrow.

The operation with the category of stages allows us to get the big picture in projecting the strategy of the refugees' assistance; to learn the dynamic of the refuge, of the needs and of the experience in assisting them to become independent. The notion of stages could eliminate the idea of the uniqueness and imperiousness of the integration in the route of a refugee in a hosting country. The stages' notion instructs us that in many cases, possibly in the large majority, the insertion is enough to grant to the refugee the possibility to be not dependent on the other's help. The stage of insertion as a notion is also more adequate, for avoiding the refugees' fears of assimilationist policies. It also supports them to keep open their hopes for repatriation.

The stadial approach is useful for not wasting resources, and not letting refugees' needs unmeet!

That is why, we strongly recommend the notion of designing strategies, implementing policies, and training the human resources – NGO leaders and very active volunteers too -, stage by stage. That is to arrive at available resources specialized for each stage and familiarized with the entire process.

Sources and Bibliography

Amnesty International, (2022): *The World Refugees in Numbers* available at The World's Refugees in Numbers - Amnesty International, consulted June, 2022.

Amnesty International, (1997): *Rwanda: Human Rights Overlooked in Mass Repatriation,* available at Rwanda: Human rights overlooked in mass repatriation - Amnesty International, consulted repeatedly May and June 2022.

CoE, ETS No. 148 (1992): *European Charter for Regional and Minority Language* available at https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=148. Consulted July, 28, 2022.

CoE, Parliamentary Assembly (2006): *Recommendation 1740* /2006 – on *the place of mother tongue in school education -* available at http://semantic-pace.net/tools/pdf.aspx?=ZmlsZWlkPTE3NDIx, [consulted July, 2002]

Amnesty International, (2022): *The World Refugees in Numbers* available at The World's Refugees in Numbers - Amnesty International, consulted June, 2022.

Amnesty International, (1997): *Rwanda: Human Rights Overlooked in Mass Repatriation,* available at Rwanda: Human rights overlooked in mass repatriation - Amnesty International, consulted repeatedly May and June 2022.

Council of Europe (2021): Action Plan on Protecting Vulnerable persons in the Context of migration and Asylum in Europe (2021-2025). Available at ES369022_ PREMS 021421 GBR 2050 Action Plan 2021 2025 Migrants TEXT WEB BAT 16X24.pdf (coe.int).

Crisp, Jeff, and Long, Katy, (2016): *Safe and voluntary refugee repatriation: from principle to practice*, in the *"Journal on Migration and Human Security"*, no. 4 (3), pp. 141 – 145.

Crisp, Jeff, (2003): *A New Asylum Paradigm? Globalization, Migration and the Uncertain Future of the International Refugee Regime*, UNHCR (2003) at 12, available at http://www.unhcr.org/cgi-bin/texis/vtx/research/opendoc.pdf.

EU (2022): Communication from the Commission on *Operational guidelines* for the implementation of Council implementing Decision 2022/382. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29&qid=1647940863274.

EU (2022): *Council Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection*, (2022/C 126 I/01). https://www.consilium.europa.eu.

EU (2021): Asylum quarterly report - Statistics Explained (europa.eu)

EU (2021): EU Commission *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL addressing situations of crisis in the field of migration and asylum https://eur-lex.europa.eu*.

EU (2020): COM 609 final, *Communication from the Commission on a New Pact on Migration and Asylum* EUR-Lex - 52020DC0609 - EN - EUR-Lex (europa.eu).

EU FRA (2020): *The Handbook on European law relating to asylum, borders and immigration*, Handbook on European law relating to asylum, borders and immigration | European Union Agency for Fundamental Rights (europa.eu).

EU (2016): *Consolidated versions of the Treaty on European Union and the Treaty on the functioning of the European Union,* (2016/c 202/01), EUR-Lex - 12016ME/TXT - EN - EUR-Lex (europa.eu).

EU (2013): *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection* (recast) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033**.**

EU (2013): *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection* available at https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032.

EU (2012): *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime,* and replacing Council Framework Decision 2001/220/JHA, available at EUR-Lex - 32012L0029 - EN - EUR-Lex (europa.eu),

EU (2011): *Directive 2011/95/EU (Qualifications Directive)* standards for the qualifications of non-EU nationals as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, EUR-Lex - 32011L0095 - EN - EUR-Lex (europa.eu).

EU (2003): *Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents* available at https://eur-lex.europa.eu/=CELEX:32003L0109 .

EU (2003): *Council Directive 2003/86 / EC of 22 September 2003 on the right to family reunification,* available at EUR-Lex - 32003L0086 - EN - EUR-Lex (europa.eu).

EU (2001): Council Directive 2001/55/EC of 20 July 2001, (Temporary Protection Directive), EUR-Lex - 32001L0055 - EN - EUR-Lex (europa.eu). temporary protection directive.

EU (2012:) *Treaty on the functioning the European Union (Consolidated Version), Treaty of Lisbon 2007* 2, Official Journal C 326, 26/10/2012 P 0001 – 0390, available at EUR-Lex - 12012E/TXT - EN - EUR-Lex (europa.eu).

EU (1992:) *Treaty on European Union (Consolidated Version), Treaty of Maastricht*, 7 February 1992, Official Journal of the European Communities C 325/5; 24 December 2002, available at: https://www.refworld.org/docid/3ae6b39218.html.

EU (2000): *EU Charter of Fundamental Rights, art.18 (The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty of the European Union Treaty and the Treaty on the Functioning of the European Union.)* Article 18 - Right to asylum | European Union Agency for Fundamental Rights (europa.eu).

EU (2000): *Charter of Fundamental Rights*, today part of the TFUE EUR-Lex - 12012P/TXT (europa.eu).

European Council on Refugees and Exiles, ECRE, (2018): *Refugee rights subsiding? Europe's two-tier protection regime and its effect on the rights of beneficiaries*, available at aida_refugee_rights_subsiding.pdf (asylumineurope.org), [consulted July, 12, 2022].

European Council on Refugees and Exiles, ECRE,(2021): *Country Report: Romania* AIDA RO_2019update (asylumineurope.org) [consulted July, 18, 2022].

Foster, Michelle. (2007): *International Refugee Law and Socio-economic Rights: Refuge from Deprivation,* Cambridge University Press, Cambridge, UK.

Gilbert, Geoff, (2019): *Not bound, but Committed: operationalizing the Global Compact on Refugees* in *"International Migration"*. No. 57 (6), pp. 27-42, available at Not Bound but Committed: Operationalizing the Global Compact on Refugees - Gilbert - 2019 - International Migration - Wiley Online Library, consulted June 2022.

Gilbert, Geoff, (2019): *Indicators for the Global Compact on Refugees* in the *"International Journal of Refugees Laws"*, No. 30 (4), pp. 635-639.

Gilbert, G. and Rüsch, AM., (2018): Rule of *Law and United Nations Interoperability* in *"International Journal of Refugee Law"* 1/ 2018, pp. 30 (1), 31-70, available at https://doi.org/10.1093/ijrl/eey020, consulted June/2022.

Gilbert, Geoff, and Rüsch, Anna Magdalena, (2017): Policy Brief 5, *Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?*, Kaldor Centre for International Refugee Law, June, 2017.

Goodwin-Gill, Guy S., and McAdam, Jane, (2007): *The Refugee* in *International Law*, 3rd ed., Oxford, Oxford University Press.

Harvey, Colin & Foster, Michelle, (2009): *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation*, in *Human Rights Law Review*, Volume 9, Issue 4/ 2009, Pages 696–698., https://doi.org/10.1093/hrlr/ngp029.

International Rescue Committee (IRC) (2018): *"Outcomes and Evidence Framework"* available at International Rescue Committee (IRC) What's in My Bag? :: What Refugees Bring When They Run for Their Lives - Carryology - Exploring better ways to carry.

Jubilut, Liliana Lyra; Madureira, André de Lima. The Challenges of the Protection of Refugees and Forced Migrants in the Framework of Cartagena + 30. *REMHU, Revista Interdisciplinar da Mobilidade Humana*, vol 22, nº 43, p. 11-33, Brasília, July/Dec 2014.

Khalaf, Farida, and Hoffman, Andrea. C,. (2016): *The Girl Who Beat Isis: My story,* International Edition.

Long, Katy. (2014): *The Point of No Return: Refugees, Rights and Repatriation*. Oxford: Oxford University Press.

Mutamo, Aggrey. (2016): *"Kenya: How Kenya Sealed the Repatriation of Refugees."* All Africa, May 11. http://allafrica.com/stories/201605120367.html.

Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/sanctuary. Accessed 3 Jul. 2022.

Ntanyomar, R., Delphin, (2020): *Congolese refugees in Rwanda: two years of silene or fear?* Available at https://easterncongotribune.com/2020/02/21/congolese-refugees-in-rwanda/.

Moccia, Luigi, & Pop Lia (eds.) (2018): *Migrants & Refugees across Europe,* European University Press, Berlin, Bochum, Dulmen, London, Paris.

Organization of the African Unity (OAU),*1969: Convention governing the Specific Aspects of Refugee Problems in Africa,* available at,Convention Governing the Specific Aspects of Refugee Problems in Africa, consulted many times May- June 2022.

Pop, Lia, (2018): *"Marginal Multilingualism as the Roma People Identity*" in "Journal of Identity and Migration Studies", http://www.e-migration.ro/jims/ Vol12_No1_2018_pp_96_130_POP.pdf.

Pop, Lia, & Pop, Irina, (2018): *Temporary Protected Status for the Nationals of the Third Countries and Stateless Persons: A Notion to be Promoted in Fighting Xenophobia,* in JIMS, Vol.12, no. 2, pp.81-91. Temporary Protected Status for the Nationals of the Third Countries: A Notion to be Promoted in Fighting Xenophobia – DOAJ.

L. Pop, I. Pop (2019): *Marginal multilingualism and its potential to fight xenophobia/ Romaphobia*, Vol13_No1_2019_pp_96_130;

Lia Pop, (2022):*'Learning all from all'. A Roma approach to marginal multilingualism,* in Francois Grin, Laszlo Maracz and Nike Pokorn (eds), Advanced Interdisciplinary Studies, Amsterdam, 2022, pp.473-486.

Romania (2022): *Romanian Border Guards communication on the number of Ukrainians entered in Romania since 22 of February 2022 until June 21, 2022, entered into Romania*, 1 307 528 Ukrainian citizens. (See Traficul la frontieră în data de 21 iunie 2022 - Politia de Frontiera, accesed June 23 2022).

Romania. IGI (2022) : *Ziua Mondiala a Refugatului*, IGI | ZIUA MONDIALĂ A REFUGIATULUI (gov.ro).

România. (2022, March, 7): *Hotararea de Guvern pentru Modificarea Normelor Metologice de Aplicare pentru Legea 122/ 2006 privind azilul in Romania [Government Decision to Modify the Methodological Norms to apply the Law 122/ May 4, on asylum in Romania]* available - in Romanian – at proiect modif legislativă (gov.ro).

România. (2022): *Legea nr. 22/2022 pentru modificarea şi completarea Ordonanţei de urgenţă a Guvernului nr. 194/2002 privind regimul străinilor în România, [Law no. 22/2022 for modifying and completing of several normative acts regarding the status of the aliens in Romania]* available - in Romanian – at Legea nr. 22/2022 pentru modificarea şi completarea Ordonanţei de urgenţă a Guvernului nr. 194/2002 privind regimul străinilor în România.

România. (2019): *Legea nr. 122 din 4 mai 2006 privind azilul în România actualizată, [Law no. 122 / May 4, 2006, on asylum in Romania updating the Law no. 122 / May 4 2006, on asylum in Romania]* available - in Romanian – at legea_nr.122_din_04_mai_2006_privind_azilul_in_romania_martie_2019. (gov.ro)

România. (2018): *Legea nr. 247 din 5 noiembrie 2018 pentru modificarea si completarea unor acte nomative privind regimul strainilor in Romania, [Law no. 247/5 November 2018 for modifying and completing of several normative acts regarding the status of aliens in Romania]* available in Romanian language at LEGE 247 05/11/2018 - Portal Legislativ (just.ro).

România. (2015): *Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor, [Law no. 331 / 2015 for modifying and completing of several normative acts regarding the status of alliens]* available - in Romanian language - LEGE nr.331 din 16 decembrie 2015 pentru modificarea şi completarea unor acte normative în domeniul străinilor (cdep.ro).

România. (2006): *Legea nr. 122 din 4 mai 2006 privind azilul în România, [Law no. 122 / May 4 2006, on asylum in Romania],* available – at legea_nr.122_din_04_mai_2006_martie_2019.pdf (gov.ro)

România. (2006): *Legea nr. 15 din 2 aprilie 2006 privind statutul si regimul refugiatilor în România, [Law no. 15 / April 2, on refugees' status and regime in Romania],* available - in Romanian language – at. LEGE nr.15 din 2 aprilie 1996 privind statutul şi regimul refugiatilor in Romania (cdep.ro).

România (2002): *Ordonanţă de urgenţă nr. 194 din 12 decembrie 2002, privind regimul străinilor în România, republicată în formă consolidată, [Emergency Ordinance no. 194 of December 12, 2002,*

regarding the regime of foreigners in Romania, republished in consolidated form] ORDONANȚĂ DE URGENȚĂ nr.194 din 12 decembrie 2002 privind regimul străinilor în România (cdep.ro).

România (2001): *Ordonanță de Urgență nr.194/2001* (Emergency Ordinance no. 194/December, 12), repetat amendată*)* repeatedly ammended available in Romanian language ORDONANȚĂ DE URGENȚĂ nr. 194 din 12 decembrie 2002 (gov.ro),

România (2001): *Legea nr 123/2001 privind regimul străinilor în România (Law no. 123/2001 on the regime of foreigners in Romania)* repeatdely amended, available in Romanian language, LEGE nr.123 din 2 aprilie 2001 privind regimul străinilor în România (cdep.ro).

Romania (1991): *Constitution of Romania*, 8 December 1991, art. 18 Right to asylum (*The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union* (hereinafter referred to as 'the Treaties') available at: https://www.refworld.org/docid/3ae6b53c4.html

România (1961): *Legea nr. 362 pentru Aderarea României la Convenția privind Statutul Apatrizior [Law – Act- no. 362 for Romania's Accession to the Convention on the Status of Stateless Persons]* available - in Romanian – at aderarea României la Convenția privind statutul apatrizilor din 1954.

Saliu, Hasan, eds. (2018): *The role of media on refugee issues, (Abstracts of the International Seminar),* IASFM &Thessaloniky.

Sharpe, Marina, (2012): The *1969 African Refugee Convention: Innovations, Misconceptions, and Omissions,* 58 : 1 RD McGill 95.

Spindler, William,(2007): *Between the Devil and the Deep Blue Sea,* RefugeesMag., Dec. 2007, at 16, 19, *available at* http://www.unhcr.org/publ/PUBL/475fb0302.pdf, consulted May 2022.

UN (1948): *Universal Declaration on Human Rights,* art. 14. (1) *(*Everyone has the right to seek and to enjoy in other countries asylum from persecution.*),* available at Universal Declaration of Human Rights | United Nations.

UN (1951): The Convention Relating to the Status of Refugees, or 1951 Geneva Convention (Convenția privind statutul refugiaților (T), adoptată de România în 1991, Textul actului a fost publicat în limba română în ʺMonitorul Oficialʺ, nr. 148/17 iul. 1991, CONVENTIE1951.doc (unhcr.org), consulted repeatedly, April-July 2022.

UN (1961): *Convention on the Reduction of Statelessness,* With *Introductory Note* by Guy S. Goodwin-Gill,
New York, 30 August 1961. available at Convention on the Reduction of Statelessness Done at New York on 30 August 1961, available at Convention on the Reduction of Statelessness, 1961 (un.org). consulted May-July 2022.

UN (1967*): Declaration on Territorial Asylum* with *Introductory Note* by Guy S. Goodwin-Gill, New York, 14 December, 1967. Declaration on Territorial Asylum (un.org).

UN/ (1967): *Convention on the Status of Refugees and the New York Protocol,* available at UNHCR - Convention and Protocol Relating to the Status of Refugees. consulted repeatedly, April-July 2022.

UN (1970): *Declaration on Principles of International Law* concerning *Co-operation and Friendly Relations among States in accordance with the UN Charter,* available at Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations - Main Page. consulted July 2022.

UN (1989): *Convention on the Rights of the Child* The International Convention on the Rights of the Child or Convention on the Rights of the Child | UNICEF consulted repeatedly, April 2022.

UNHCR (2018): Global Compact on Refugees, UNHCR - Global Compact on Refugees – Booklet, consulted repeatedly May and June 2022.

UNHCR (2016): New York Declaration for Refugees and Migrants, Refugees and Migrants (un.org), consulted repeatedly May and June 2022.

UNHCR (2015): *Global Trends 2014: World at War*. available at Global Trends Report says worldwide displacement has hit an all-time (unrefugees.org), consulted repeatedly May and June 2022.

UNHCR, (2014): *Guidelines on temporary protection or stay arrangements,* available at Refworld | Guidelines on Temporary Protection or Stay Arrangements.

UNHCR (2011): *The Field Handbook for the Implementation of UNHCR BID Guidelines,* (unhcr.org)

UNHCR (2011): *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*. Geneva: UNHCR. http://www.refworld.org/docid/4f33c8d92, consulted repeatedly May and June 2022.

UNHCR (2004): *Handbook for Repatriation and Reintegration Activities*. Geneva, http://www.unhcr.org. consulted repeatedly May and June 2022.

UNHCR (2002): Manual. Operations Management System. (unhcr.org), consulted repeatedly May and June 2022.

UNHCR (2002): *Project Planning in UNHCR. A Practical Guide on the Use of Objectives, Outputs, and Indicators*, Microsoft Word - prac15.doc (unhcr.org), consulted repeatedly May and June 2022.

UNHCR (1979): *Handbook and Guidelines on Procedures and Criteria for Determining Refugees Status,* Geneva UNHCR, (reissued 2019), available at 5ddfcdc47.pdf (unhcr.org), consulted repeatedly June 2022.

UNHCR (United Nations High Commissioner for Refugees). (1980): *Voluntary Repatriation,* No. 18 (XXXI). http://www.refworld.org/docid/3ae68c6e8.html, consulted repeatedly May and June 2022.

UNHCR (1992): *Handbook - Voluntary Repatriation: International Protection.* Geneva: UNHCR, Department of International Protection. available at http://www.refworld.org/docid/3ae6b3510.html.

UNHCR (1983): (Executive Committee of the High Commissioner's Programme) *General Conclusion on International Protection* No. 29 (XXXIV). available at https://www.refworld.org/docid/3ae68c6818.html, consulted June and July, 2022.

UNHCR (1992): *Discussion Note on Protection Aspects of Voluntary Repatriation*. EC/1992/ SCP/CRP.3. available at http://www.refworld.org/docid/3ae68cd314.html. consulted repeatedly May and June 2022.

UNHCR (1996a): "Chapter 2.3: *Voluntariness*." in *Handbook - Voluntary Repatriation: International Protection.* Geneva: UNHCR, Department of International Protection. available at http://www.refworld.org/docid/3ae6b3510.html. consulted repeatedly May and June 2022.

UNHCR (1996b): "Chapter 2.4: *Ensuring Return in Safety and with Dignity.*" In *Handbook - Voluntary Repatriation: International Protection*. Geneva: UNHCR, Department of International Protection. available at http://www.refworld.org/docid/3ae6b3510.html, consulted repeatedly May and June 2022.

UNHCR Office of the High Commissioner of Human Rights and Global Migration Group (no year mentioned): *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* a guide available at PrinciplesAndGuidelines.pdf (ohchr.org).

Žagar, Igor, Neža Kogovšek Šalamon and Marina Lukšič Hacin Ana Mlekuž, (eds) (2018): *The Disaster of European Refugee Policy: Perspectives from the "Balkan Route",* Newcastle upon Tyne, Cambridge Scholars Publishing.

Zimmermann, Andreas, ed, (2011): *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary,* Oxford University Press, Oxford.

Sites

europa.eu. Migration and asylum | European Commission (europa.eu)
(gov.ro) (igsu.ro), IGI (gov.ro)
http://www.unicef.
International Organization for Migration, IOM
Crucea Rosie Romana
European Migration Network
https://www.lifegate.com/app/uploads/refugee-redistribution-plan.jpeg.

FOCUS: THE FOUNDATIONS OF CITIZENSHIP

On Citizening: Performing Citizenship as a Practical Form of Kinship

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Abstract. The notion of citizenship has been critically examined through a vast literature produced from different perspectives. A formal and legalistic view that pinned the concept through the issues of membership and legal status became common parlance for studies that prioritize nation-state standpoints, but the last two decades have been productive for alternative approaches. However, these alternatives seem to focus mainly on descriptions of practices out of which institutional framings and derivative performances of citizenship ensue. In so doing, they seem to elude discussing the theoretical core of the notion. By revisiting key passages of its socio-linguistic history, this article examines the notion of citizenship at its foundations, first as a form of practical kinship, and second, by re-reading it critically under Reinach's notion of 'social acts'. The figure of the citizen is here revitalized through a political phenomenology that discloses an everyday dynamic which can be termed as citizening. This is in line with contesting approaches to the dominant account, but it also aims to take the discussion back to the core meaning of the term, disputing thus the normative use through which it has been instrumentalized by the nation-state, and contributing to reclaim it as an open political possibility.

Keywords: *citizenship, kinship, political phenomenology, social acts, citizening*

Introduction

The notion of citizenship has been at the center of intense debates in political, academic and juridical circles for the last decades, especially after the signing of the Schengen Agreement between 1985-1990 in Europe, and the growing waves of migration from the 2010's worldwide. During the second half of the 20th century, Marshall's theory of citizenship (1950), which connected the concept with membership to a political community and legal status within a territorially bounded nation-state, became a standard account. While this conception has been widely contested (e.g. Habermas 1992, Lehning & Weale 1997), the latest, most

comprehensive and resourceful oppositions have been structured through the literature that argue for a form of global/cosmopolitan citizenship (e.g. Held 2004, Bohman 2004, Benhabib 2006), as well as through the body of work prompted by the idea of 'acts of citizenship' (AoC) put forward by Engin Isin (Isin 2008, 2009).

The 'cosmopolitan' or 'global' forms of citizenship emerge as a consequential solution to what some see as an inadequate territorial citizenship, bound many times to ethniciy or dominant cultures, and a logical demand to follow the impact of global processes on the territorial state. That is, it is precisely because the state is being challenged by global processes that citizenship is often reformulated as global, or cosmopolitan, as to be made compatible with such processes. As Brysk and Shafir explain: "[The] judicialisation of international relations and the spread of liberal legal norms, a greater autonomy given to courts, and constitutional expansion as well as the enforcement of long dormant international conventions of human rights, greater enforcement of punishment for crimes against humanity, and the creation of an international criminal court [all indicate that] while participatory citizenship seems to decline, NGOs and networks represent a new activist thrust with a clear global dimension. […] These new venues of political influence have created a citizenship surplus" (2004, 7-8). Therefore, while the cosmopolitan approach to citizenship is relevant, it concentrates predominantly on the external frames, that is, on the economic and institutional circumstances that surround individuals, and leave behind any form of agency that they might have to reclaim some kind of inherent relation or sense of belonging.

In an alternative path, the AoC approach 'shifts the focus in citizenship debates from subjects and their status to the acts through which political subjectivities are created' (Aradau et al. 2010, 956). This means that, rather than concentrating on disentangling status, institutional politics, and state authority, the AoC literature highlights processes, constitutive politics, and everyday struggles of migrants *qua* claimants. In other words, this approach focuses on how migrants claim rights and perform duties, and how, by doing so, they constitute themselves as citizens (Nyers 2015). However, Isin qualifies such practice-based performances of citizenship as coming from 'divergences', 'distortions' and 'disorders', that is, as negativities through which other possibilities to enact citizenship can be explored. For him, power and state authority privilege "routine over rupture, order over disorder, and habit over deviation" (Isin 2008, 20). His quest therefore focuses on trying to rebalance the dominant account by highlighting neglected subjective

developments of a dynamic quality. In that sense, it seems that the AoC approach tries to compensate for a possible account of the notion of citizenship through its byproducts, remainders and liminal stances, instead of aiming at its theoretical core.

While this article sympathizes with these and other similar advances, it intends at contributing to a reorganization of the notion of citizenship from a different approach, where a political, contestatory and emancipatory understanding of the figure of the citizen is reclaimed by the subjects themselves. For that task, it will proceed as follows. The first section will revisit some aspects of the term's philological standing as this was examined by Benveniste (1974), in a tradition where both a link to a form kinship, as well as a viable understanding for a political phenomenology unfolding in the public sphere are unveiled. After this setting is presented, the next section will explore two different forms to understand kinship, a formal and a practical one, the latter proving useful to reinterpret the notion of citizenship under a different categorial scheme. The third section will then reassess the notion of 'social acts' by Adolf Reinach (1922/1983), on which the idea of 'acts of citizenship' is also grounded (Isin 2008, 24), to inquire more profoundly on the nature of specific social relations and on the political phenomenology implied in the category of the citizen. The fourth and last section will reorganize these elements to present a viable form to understand citizenship, under the guise of a political phenomenology, as a set of practices of care, belonging, and resistance, associated to a practical form of kinship.

In the end, this article aims to re-read the notion of citizenship, not only through the description of acts and practices, but also through its own potential socio-linguistic history and its intrinsic relational phenomenology. The goal is to strengthen an understanding of the political agency that implies the making of a citizen, yet grounding it on a practical form of kinship. This move seeks to dispute further the normative usage through which the notion has been instrumentalized by the nation-state, registering it instead along a set of affective connections through which belonging as a form of membership is resignified, leading thus to an alternative path that is founded in relations of mutual freedom and commitment.

Back to the roots

The modern, legal-based approach to citizenship implies at least three distinct aspects or definitions of this notion: permanent residence in a territory,

membership to a political community, and allegiance to a state (Smith 2002,105-6; Azoulay 2008, 31). Out of these, we can distinguish a vertical relation of subjection between the individual and the state, based on a contingent status: the nation-state exercises its sovereign power over the individual through the notion of citizenship as one of its main governing devices.

However forthright this may seem, this is evidently a historical construction. It entails forms of pertaining to or relating to a body politic. But it is by no means the only formal model available in Western history. Certainly, the Western political tradition is prone to evoke the ancient Greek model to legitimize its own conventions. However, beyond specialized circles, this has been done often uncritically[1]. In any case, it is indeed the Greek model of a *polis* that provides a standard when relating an individual to a body politic or sovereign power. And this is reflected at the level of a linguistic terminology.

As it is well known, within the Greek sociocultural space, the notion of the *polis* is what determines the status of its associated *politēs*, its citizens: the *politēs* is the member of the *polis*, he who has rights and obligations, he who can participate in its political decisions, be elected for specific tasks and positions, etc. This status of a participant in this primordial entity shows how this entity is signified: at the same time origin, place of belonging, birth title, source of power and authority, body politic. And as Benveniste insists, in the Greek language '[t]here is no other term than *politēs* to denote the public status of man in the city that is his, and it is by necessity a status of relationship and belonging, since by necessity the *polis* takes precedence over the *politēs*.' (174, 279).

However, Benveniste notes that in Latin the relation between the linguistic terms is reversed. *Civis* —what we understand as 'citizen'— becomes a primordial term, out of which *civitas* —'city'— emerges as a derivation. Benveniste examines a wide array of Latin texts to attest that the only possibly signifying attribution for a *civis* is not the territory nor a body politic, but another *civis*. Therefore, a *civis* (which must be translated as 'co-citizen' or 'fellow citizen' to grasp its linguistic character best) can only be said of another individual who acknowledge the first in some kind

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[1] As an example, Balibar reminds us that *dèmokratia* was for the Greeks 'a pejorative term which referred to the anarchic element brought into aristocratic cities when the mass or the populace, the demos, was actually endowed with the power to make political decisions' (Balibar 2008, 525; see also Burchell 2002).

of an affective relation, as his or her own *civis*. The hierarchical relation between body politic and individual is transformed here into a horizontal relation of mutual recognition. As Benveniste puts it:

> There is therefore no *civis* outside of this reciprocal dependence. We are the *civis* of another *civis* before being the *civis* of a certain city. In *civis Romanus* the adjective only adds a localizing indication, not a status definition. [...] As a formation of the abstract, *civitas* will properly designate the "set of *cives*". [...] Thus the Roman *civitas* is first of all the distinctive quality of the *cives* and the additive totality constituted by the *cives*. This "city" achieves a vast mutuality; it only exists as an aggregation (1974, 276-278).

Of course, Benveniste is dealing here with linguistic phenomenon and its properties, not with legal or historical realities. The ensuing concepts and their intrinsic relations may or may not have been associated with political theories of forms of rule. However, the linguistic field can be definitely set as a mirror in which to look for different possibilities of social realities. For at the very least, this opposing model displays, as Balibar writes, 'the translinguistic space of translation, so to speak, the tensions of the notion of citizenship, which concern the relationship between individuals, community, and space or territory' (2008, 523).

Moreover, what Benveniste highlights in the Romans is a particular linguistic mechanism that is a symptom for another set of underlying relations. These can be explored along two complementary paths. On the one hand, a *civis* appears as a peculiar term that marks a recognition of kin: it functions just as the term 'brother' or 'sister', in which a person refers as such only to another sibling; yet kinship broadly understood is not limited to the recognition of a family member, under the myth of blood, for there are kinship terminology systems in other cultures, ancient and present, where specific terms designate close friends (for instance, 'tomo'（友）or 'shinyuu' (親友）in Japanese, 'quan' (親) in Chinese, or 'kakampi' in Tagalog, etc.), or members of one's community, tribe, or clan.

On the other hand, something else seems to be at stake, a foundational relation between subjects which was instituted in the public realm. However, this relation was only intuited, probably exercised, yet it remained unnamed within the Latin tradition. The rest of this article will be an attempt to explore both elements, yet not as they functioned for the Romans, as a sort of historical reconstruction of a political category, but as features of a distinctive political phenomenon that was only glimpsed under that historical tradition, and whose development seems to be viable to re-assess the focus on the contemporary category of the 'citizen'.

Two forms of kinship

In this section, we will explore what is implied in the notion of kinship, in order to unveil critically what is at stake when discerning the notion of a *civis* as a type of kin.

Historically, Western societies have been structured around a core set of 'civilizatory' pillars: private property, monogamous marriage –required to maintain generational heritability via sexual reproduction and some kind of axiomatic certitude–, and the nuclear family. These three foundations have provided the social conditions that corresponded with the idea of the consanguine, a key element in a particular form of kinship upon which the idea of a nation-state was further structured. This link was recognized early on. Hegel, for instance, thought of the family as the first ethical foundation of the state, acting as the organic *telos* of political sovereignty. He writes: "The state is the self-conscious ethical substance, the unification of the family principle with that of civil society" (1830/1971, 535, see also 1820/1991, 199-219). But the seamless transition from a formal type of family to the state was also criticized at the time. Following Bachofen's thesis on matriarchy (1861), and specially L.H. Morgan's anthropological work on Pacific societies (1851), which questioned the universal reach of the notion of the consanguine, Engels wrote in his treatise on the origins of the family about a 'potential' type of family, not linked to private property nor refrained by monogamy:

> While the family undergoes living changes, the system of consanguinity ossifies; while the system survives by force of custom, the family outgrows it. [...] The consanguine family is extinct. Even the most primitive peoples known to history provide no demonstrable instance of it (1884/1962, 18-21).

Yet the attempt to locate a different form of kinship, and within it a naturalistic model for a primitive form of communism, led to a backlash in the social sciences, especially within anthropology. Malinowski's first book on Australian Aborigines was an explicit attack on the idea of an expanded form of kinship (1913, see also Knight 2008, 61). Even if more nuanced, Levi-Strauss's *Elementary Structures of Kinship,* from 1955, similarly contended that familial relations were prior to cultural bonds because they expressed a 'natural' rather than a 'cultural' phenomenon, so they were said to function as a kind of bridge between nature and culture. Unequivocally, the traditional family was taken to designate a relation that underlined all societies. And if familiar ties were not readily evident in other cultures, the anthropological task was simply to uncover the cultural dissimulation of a given

community, in mechanisms such as the 'taboo of incest' (Levi-Strauss 1955/1969, 9).

However, the claim to find a sole pattern, or a universal category, to contain and explain all familial relations, and then to set these as the foundation of more complex societies, became untenable. Explanations over how exactly to define kinship as an underlying organizing principle turned more or less incoherent as ethnographic observations multiplied models and challenged any presumed consistencies. A student of Lévi-Strauss, Clastres reproached his mentor to have 'confused ends with means' (2010, 268). On his turn, Schneider argued in a seminal book that kinship has a specific symbolic content (1968). According to him, nothing exists outside culture; blood ties and nature in general have no particular existence of their own independent of how each culture defined them. This does not imply that the biological substrate is irrelevant, but that cultural representations of the process of conception, and genealogical relations among individuals cannot be reduced to them, at least as they are understood in western culture (i.e., as blood relations). Or as Déchaux writes, commenting on Schneider: 'Kinship does have a biological or bodily referent, but how that referent is referred to differs from one society and one culture to the next' (2008, 220).

This brings us back to the Western formal reading of kinship. As it has been stated, there is in Western societies a direct connection between the belief both in the consanguine and the nuclear family, and the construction of the state. But this link has turned us less attentive to multiple forms of affective bonds that imply relationships of kin. Bourdieu argued that this conceals a double approach to this key notion. On the one hand, he differentiated an *official* form of kinship, which he termed 'genealogical', 'reserved for official situations in which they serve the function of ordering the social world and of legitimating that order'; on the other hand, he observed a *practical* one –ubiquitous, individual, private, strategic, 'oriented towards the satisfaction of material and symbolic interests and organized by reference to a determinate set of economic and social conditions', which means, lying quite distantly from the bio-genetic model of kinship (1977, 34). The Bourdieusian distinction between official and practical kinship not only recalls the inherent tension in anthropological approaches, but also describes two forms of organizing relations of affinity: one aiming at their control, another one at their strategic use and expansion. Bourdieu writes further:

> to schematize, official kinship is opposed to practical kinship in terms of the official as opposed to the non-official (which includes the unofficial and the scandalous); the collective as opposed to the individual; the public, explicitly codified in a magical

or quasi-juridical formalism, as opposed to the private, kept in an implicit, even hidden state; [the] subjectless practice, amenable to performance by agents interchangeable because collectively mandated, as opposed to strategy, directed towards the satisfaction of the practical interests of an individual or group of individuals (1977, 35).

For Bourdieu, practical kinship is actively constructed, generated by people in their everyday arrangements. It is thus a form of reorganizing 'nature' under a 'social' aim. For as Arendt writes, the construction of 'human capabilities are also a "biological necessity", that is, necessary for a biologically weak and ill-fitted organism such as the human' (1998, 177). Practical kinship stands then in a stark opposition to the legal-normative structure of sanctioned relational frameworks —which certainly includes the Marshallian notion of citizenship. Its political enactment supplies then models to resist the diminishment and invisibility of relations which are either merely unrecognized or cast as inherently illicit, simply because they fail to adhere to the ideal type of a formal relation, structured and sanctioned by the state.

The notion of 'social acts'

The notion of the *civis*, which triggered our search, can be seen as grounded on a form of non-official, practical kinship. But there is another element that very likely thrust it not only as an affective appellation, but also as the institution of a political relation. What this could entail will be made clear here by describing the notion of a 'social act' as examined by Adolf Reinach (1913/1983)[2].

In his phenomenological study of legal foundations, Reinach examines how

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[2] In his formal presentation of the notion of 'acts of citizenship', Isin cunningly relates the aspect of citizenship-performing with the concept of a 'social act' as developed by Reinach (Isin 2008, 24-25). While Isin's abridgment of Reinach's account is effective, he focuses on highlighting the difference between 'act' (as a rupture in the given) and 'action' (as conduct, practice, habit), and misses key aspects of that specific phenomenological inquiry. The hasty reference to Reinach is still meaningful, but it also looses some of its most salient elements, which are crucial to re-read the notion of citizenship from its core, through its primary signifying relations, rather than through a marginal approach that stresses what Isin describes as its 'disorders' (2008, 20). This article cannot engage deeply with Isin's misrepresentation of Reinach's theory, but it can be stated that Isin is more interested in recognizing an 'act of citizenship' as a deviation or rupture from a script, and in that sense it is very close to a very elementary model of freedom, such as the one that ensues out of Lucretius' clinamen (see Sedley 2018).

primordial activities of social relevance, all the way to a complex legal structure, are rooted in linguistic phenomena. In that track, he defines 'social acts' as an expression of a self in his or her 'need to be heard' (1983, 18-19). Following this very straightforward explanation, Isin characterizes Reinach's social acts as 'inescapably dialogical' (2008, 24). However, it could be contended that, even if a dialogue could be initiated as part of such activity, this does not seem necessary in itself: after all, we can have dialogues with ourselves that could hardly count as social acts (see also Mulligan 1987, 41). Instead, three formal conditions are necessary to a social act: (1) it is a material expression, (2) addressed to other people, which (3) can be grasped (i.e. understood). This last point is crucial, because the transmission of meaning cannot be taken for granted. Actually, a social act is a primary phenomenon *precisely* because it *grounds* meaning: it is an utterance that affords a signifying connection between at least two individuals.

Furthermore, Reinach is careful to emphasize this fundamental act in a way that most linguists have avoided commenting, as an affective event, grounded on 'the need to be heard'. This is one of the elements that sets apart this approach from any communication theory, and even from the speech act theory developed out of the writings of Austin and Searle (Marín Ávila 2020). 'To be heard' is not simply an audible condition, it entails rather the pre-requisite of being acknowledged –brought together– through a linguistic utterance. 'The need to be heard' delineates at once a risk and articulates a fundamental state of being, as an affective determination: it becomes an expression of vulnerability. This affectivity is thus transformative for the subjects involved in the act. On the side of the speaker, the utterance is the material expression of an 'internally complete experience' (Reinach 1983, 22). For example, one cannot promise anything, lest that promise is to be of any value, if one is not internally weighing and embracing the consequences that this promise would entail. On the side of the hearer, what is expressed enables 'the addressee to become aware of its content' (*ibid*, 21). This becoming-aware closes the circuit which was opened with the sending out of the social act. In other words, it is through my vulnerability as an embodied being that I am open, or 'given over', to communing with others. And it is through this affectivity that a new reality in the world is created, out of a social act grounded in human vulnerability.

This model becomes then the basis for a community of individuals performing a social act together. As Reinach writes:

> Each of the persons performs the act […] and each expresses the performing. But each performs the act "together with the other." We have here a very distinctive kind of "togetherness." It should not be reduced to identity of content or of addressee, and even less to the deliberate simultaneous performance of the act […]. We have rather to do here with the case where each of the persons performs the act "in union" with the others […] (1983, 24).

Individuals, through their own expressive performances where they attempt to make sense of things, develop a series of connections, elaborating through them meaningful articulations: bonds, covenants, conventions.

> So we see how the idea of social acts performed together by several persons and directed to several persons together, gives rise to the idea of claims and obligations which have several persons as subjects or partners (*ídem*).

This is for Reinach the source of legal objects or 'products', and of a juridical vocabulary (Paulson 1987, 147). Reinach finds in it further the fundamental structure of a 'promise'. Regardless of its content, what holds the promise as such is the mutual, affective-based convention that links two inner realities together through a new common creation: a commitment. For Reinach, a promise is an autonomous and spontaneous act (that is, not an intentional act: its meaning remains open), in which subjective interiority unfolds outward, turning its appearance into an act: 'Promising is neither intending [*Wille*] nor the expression of intending; it is rather an independent spontaneous act which, turning outwards, appears externally' (1983, 26). The promise is, therefore, a form of externalization of a subjective force that meets another, producing a new sign that affects them both; in that relation, the one who produces it and the one who receives it understand the promise, internalize it, interpret it, and in short, become somehow one with it [*das Versprechen inne werden*] (1983, 28). Through the act of promising, Reinach delves into the sources of power and its legitimacy in a phenomenological variance that provides another perspective to this issue in a form that departs from those of Weber, Schmitt or Benjamin, who were involved with similar questions at the time (Toscano 2021). The promise is the decisive stage in a process of mutual acknowledgement[3].

Reinach finds in this approach evidence to sustain that legal power has its ultimate origin in a person as such, or rather, in the link established between individuals. As he writes: 'We speak here of the *fundamental legal capacity* or *power*

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[3] Of course, Reinach is not the first one to suggest this connection. In fact, this is one way of understanding contractualism and its roots can be traced back to Plato (1966), in Socrates' defense of a legal promise in Crito 49e-50a. Nietzsche, for example, makes a critique of man as an animal who promises in On the Genealogy of Morality (1967, 291, 298 ff).

of the person [*das rechtliche Grundkönnen der Person*]. This fundamental power cannot be transferred. Insofar as it is grounded in the nature of the person as such, it is inseparable from the person; it forms the ultimate foundation for the possibility of legal-social relationships' (1983, 81). The mutual and simultaneous recognition of two human beings is a source of law. No other power, however violent or substantial, can contend this phenomenological fact. Or as James Dubois has written: '[i]t is Reinach's analysis of social acts that helps us to see that it is not the government with its positive legal codes which arbitrarily says I am obliged; the obligation flows from the nature of the act of promising itself' (1995, 156).

Given this context, recognizing the other as an equal should be integrally regarded as a 'social act' under Reinach's frame. In that sense, one is a *civis* —or fellow citizen— to the other as a form of bonding and becoming, performing a phenomenological equality or mutual 'otherhood', in a process of *citizening*[4]. The affective recognition of another as a fellow institutes a relation as a novel commitment —or pledging— in the world. That this phenomenological reality is denied a formal legal recognition is a form of negligence, or proper violence, from a body politic that needs to impose itself through it. In a stark contrast, legal citizenship, its management as a status and its discretional differentiation through the contingent situations of a person, reveals itself very straightforwardly as a form of coercion and control.

Towards a radical phenomenological equality: on *citizening* as a practical form of kinship

Reinach's theorizing might not be widely known, but the phenomenon he was describing is not foreign to specialized scholarship. Within citizenship studies, this has been acknowledged as a set of practices of citizenship performance (e.g. Casas-Cortés et al. 2014; Stierl 2016; Fortier 2016, 1039; Darling 2017; Bassel et al. 2018; Caraus 2018, 797; Tazzioli 2021). But we can refine this general approach and locate the construction of an affective bond between migrants on a similar standing

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[4] The fact of framing citizening as a verb highlights its intrinsic recognition as an action. In that sense, it is already an interpretation of how Reinach's 'social acts' could be implemented. This sets them closer to the assessment of action put forward by Hannah Arendt, who agrees with Reinach that promises create bonds (1998, 237). Nevertheless, the Arendtian frame focuses on what she deems as an 'intersubjective' binding rather than on a 'normative' one, thus missing the contestatory element intrinsic in Reinach's formulation. Indeed, one cannot 'petrify promises into laws' (Loidolt 2017, 167), yet Reinach's approach can be used to open an alternative interpretation of the source of law, and not necessarily set it as its ultimate validation.

as the formation of a practical form of kinship. This would imply recognizing tactics of survival that are expressed along the formation of bonds of trust and intimacy, and through the intricate webs of discursive communities. Moreover, there is a sense of practical kinship not only among migrant communities, but also between newcomers and formal citizens of a territory, and these bonds emerge as a necessary tactical response to uncertainty, trauma, or crisis. Because these bonds become political —and can be clearly traced following a political phenomenology— these forms of kinship enact a civic equality and a spontaneous resistance, which contend the state-conditioned forms of recognition and formal circumscription. This is what we may understand as *citizening*: the act of autonomously recognizing the other (and oneself through him or her) as an equal kin with rights and obligations.

Citizening happens beyond, or in spite of, the legal frame for granting citizenship status, which is the form of control that the nation-state has set upon itself. The fact that we do not think of it as an everyday activity is a reflection on how much we have been disempowered, alienated from the roots and structures that make up our common legal foundations. *Citizing* occurs as a social act, an instituting of political meaning. Yet it is also far from being an invention or a simple theoretical device. The phenomenological core is open for appropriation, development and further inquiry. This is why we find recurring comments on this structure of mutual subjective recognition. One of the clearest examples comes from Foucault. In 1981, the philosopher read a statement in a setting that was expected to trigger a new declaration of human rights. In the very first phrase, Foucault performs clearly what Reinach had described as 'the need to be heard' when he says:

> We are here only as private individuals, with no other claim than to speak, and to speak together, about a certain common difficulty in enduring what is happening (1984, 707).

What Foucault then voices is a recognition of a specific grounding of rights: 'So who asked us to speak?' —he reckons rhetorically. To which he answers: 'No one, and that is exactly what makes our right' [*Personne. Et c'est cela justement qui fait notre droit*] (*idem*). Finally, he goes on to describe very shortly the relation between governments and the governed. Foucault argues:

> There is an international citizenship which has its rights, which has its duties and which is obliged to speak out against any abuse of power, whoever the author, whoever the victims. After all, we are all governed and, and, by that fact, joined in solidarity (*idem*).

Foucault is not talking here about an international citizenship as a specific,

identifiable collective. Evidently, he is not referring to the legal figure of the state-brokered citizenship either —which limits rather than expands internationally its status-granting mechanism. He refers rather to this citizenry as the aggregation of those who are governed, no matter who the governing body might be. In a sense, Foucault recalls that for every nation-state that violently differentiates between citizens and non-citizens, a contestatory configuration of individuals that are governed by the *same law*, albeit distinctly and discriminatorily, comes into being. This configuration is the one referred here. Foucault's 'international citizenship' is the name of a collective of mutually-recognized members that resist their disempowerment by a nation-state. Their *citizening* becomes a form of resistance, a common voice that, speaking on its own, spells out its own entitlement. Therefore, this form of citizenship is not a derivative one, nor a counter-citizenship or a supplementary status (as described, i.a. by Gordon 2015, or Stierl 2016, 572), but a primary political form of being, a togetherness that enacts its own originary *citizening*.

Other well-known authors have commented on this foundational structure as well. In a rather striking passage, Lea Ypi makes a distinction between forms of performing citizenship, either coming from a collective of individuals with mutual concerns or emanating from a given authority. On the first type, she writes:

> citizens of particular states have a rule-guided cooperative relation to one another […]. They make decisions in common and act on the basis of jointly established projects. They produce public goods enjoyed by all and they share a commitment to the political institutions that make the framework for political decision-making possible (2008, 404).

On the second type, she comments more briefly: 'The state is not a voluntary association, it is a set of coercive structures assigned from birth. No one was ever given an option to choose his citizenship' (*idem*). Indeed, but practical kinship would be misrepresented as its opposite, as a form of chosen-family, like a consumer choosing products in the supermarket, or swiping through the available prospects on a dating app. As Charen writes, that framing would ignore 'the necessity of securing a foundation of relationality, that mutual generation of the familiar, i.e. one of trust, minimally in some form of feeling, some kind of immediate communication, some *undercommon*, in relation to adversity, erasure, and precarity that is not chosen — as a response to the facticity of the situation' (2022, 37). In the end, a key difference between legal citizenship and citizenship as practical kinship is not one of choice, but an enactment taking place between coercion and necessity.

Yet probably the most consistent treatment in the direction of enacting citizenship as a mutual recognition of equals comes from Étienne Balibar (2017). Countering the established narrative of the state-brokered notion of citizenship, Balibar stresses the structure of being-with-others which, as the Roman notion of *civis*, priorizes neither the individual nor the collective, but the political relation between them: 'The citizen is unthinkable as an "isolated" individual, for it is his active participation in politics that makes him exist. But he cannot on that account be merged into a "total" collectivity' (2017, 36). Once this is established, Balibar's definition of the citizen can be fully seen to operate as a shift from a status-granting mechanism to an emergent figure of a radical phenomenological equality:

> In other terms, it is a matter of answering the question: *Who is the citizen?* and not the question: Who is a citizen? (or: Who are citizens?). The answer is: The citizen is a man in enjoyment of all his "natural" rights, completely realizing his individual humanity, a free man simply because he is equal to every other man (2017, 30, emphasis in original).

Indeed, Balibar recovers the foundational legal power of the individual ('the enjoyment of all his or her "natural" rights') by setting the demand of a human being in becoming-aware of their radical, co-extensive *equality*. And this entails turning the citizen into a revolutionary figure. Balibar writes:

> The citizen as defined by equality […] suspended between individuality and collectivity, between public and private: Is he the constitutive element of a *State*? Without a doubt, the answer is yes […] But this also means […] that the citizen can be simultaneously considered as the constitutive element of the State and as the actor of a revolution […] a permanent revolution: precisely the revolution in which the principle of equality, once it has been made the basis or pretext of the institution of an inequality or a political "excess of power," contradicts every difference. (2017, 38).

The citizen is thus portrayed as a figure in a process of becoming, out of a social act, a moment of contestation. Such a citizenry is founded in the mutual recognition of a radical equality, in a *citizening* of the everyday, so to speak. Balibar's project is a search to reclaim back for the citizen his or her *fundamental legal capacity*, as Reinach would have it. It is an attempt to read the citizen as a *civis*, in a newly contemporary context. Therefore, it is not an alternative form of citizenship that is here at stake, as an externalized or lateral reading of a crucial category, but the core of the problem: the uncovering of a foundational legal capacity that must be exercised and re-appropriated, beyond a managerial structure, in order to grant ourselves, through a common struggle with others, a necessary freedom.

Conclusion

After the development of critical citizenship studies, for example through the approaches of cosmopolitan forms of citizenship and AoC, citizenship has become a highly contested category. Evidently, it is difficult to remove the notion, and especially its practical consequences, away from associations to a membership and a legal status (Marshall 1950). Yet this state of affairs privileges a specific political structure of a hierarchical order that reflects a predilection for immovability, power and authority over the social dynamics that may actually happen over horizontal interactions, which are based on a radical equality and sustain other forms of political performance.

The literature associated to cosmopolitan citizenship and AoC has been helpful to describe the plurality of political expressions and practices around the phenomenon of migration and its dynamic political configurations. Nevertheless, they have also skewed the discussion over the category of citizenship itself, sometimes as a tactical move in order to focus on external or lateral phenomena, other times as strategic opportunities to describe developments that grow from the ground up, away from the view of power-centered perspectives. While this has been opportune and enriching, it should not be a pretext to leave the category of citizenship fall under a dominant genealogy —with its ready-made lexicon of Latin phrases such as *ius sanguinis*, *ius soli,* etc. In fact, as we have suggested, the Romans had a praxis around citizenship which might have been far more complex than the use of certain Latin-based terminalia suggests. The figure of the *civis,* or co-citizen, might have been for them a practice of mutual understanding vital to allocate political possibilities, responsibilities and obligations. The *civitas*, as an aggregate of fellow citizens in a geographical location, and a practical form of kinship under Bourdieu's distinction, is a utopia that we still expect to see thrive.

In this direction, we can find a form of enacting citizenship as a political phenomenology of the everyday, or *citizening*, which does not require a hierarchy nor an authority to certify its deeds. This phenomenological opening does not rely on a transcendent relation to an abstract entity either (for example, as a performance that would have 'to be placed under the allegiance with the cosmos', as stated by Caraus 2018, 801). It is therefore far from calls for cosmopolitan forms of citizenship on the Kantian variant (Douzinas 2007; Harvey 2009; Ingram 2013; Wenman 2013, Hayden 2013, Bailey 2017), with its references to an international

body politic which might hold members together. And even if it is close to forms of citizenship that identify a broad spectrum of political realities and agencies in the relational world (along the migrant-, local-, or nomadic citizenships, but also, for instance, affective (Fortier 2016), or lived (Kallio et al. 2020) forms of citizenship), this approach stresses specifically an inherent, phenomenological understanding of the figure of the citizen, aiming thus at reclaiming its political, emancipatory core. For as Barnett writes: 'The idea that "the political" refers to the problematic of coexistence and association, and that the space of this sharing is constituted by active agents […] is concerned with the phenomenologies of politics in so far as it focuses in on the processes and activities by which shared worlds of association and co-existence are constituted' (2012, 679).

This article has argued that citizenship can be thought of under the guise of a political phenomenology and performed as practical kinship. But rather than merely providing an argument, this piece aims at opening a path of exploration. In this sense, kinship would be the standard through which to observe 'a powerful, far-reaching, and deep-seated practice, or set of practices, that functions as an unabating resource for a broad range of political techniques that circumscribe, displace, and disable practices of mutual care' (Charen 2022, 10). As such, the production of citizensip as practical kinship, or *citizening,* would imply a mobilizing a basic relation, grounded on the structure of a mutual promise: a shared horizon towards which two or more are able to commit. In that sense, it would mean behaving as a responsible sociopolitical being towards an-other. It would also imply an involvement in what Bishop (2011) describes as the politics of care: 'actions of mutual cooperation, friendships, favours that you never return, affective support, trust, care for other people's relatives and children, transnational relations of care, the gift economy between mobile people, etc.' (quoted in Papadopoulos and Tsianos 2013, 192). More than another tag, *citizening* should be seen as a performance that at once challenges an idea of citizenship that 'cannot be thought outside of sovereignty and control' (Tyler 2010, 83), and a proposition to stand before another in a complete vulnerability, along the assumption of a radical equality, in a political nakedness so to speak, able to soak in its transformative effect in order to initiate new schemes for political identities, relationships, and commonalities.

Citizening cannot ensure that a document stating a status will be issued, although it can describe the alliances between empathic officials and migrants that make it happen (De Graauw 2020). And in any case, it can articulate the new political

relations that come to the world, grounding a sense of affective relations and of entire communities. Through that foundational act alone, *citizening* can exceed the grip of the state in ways that can deeply challenge the sovereignty-territory-citizenship nexus, changing the field of politics under the axis of a mutual bond, the source of a covenant based on otherhood: a radical commitment towards a mutual form of freedom.

References

Aradau, C., J. Huysmans, and V. Squire. 2010. "Acts of European Citizenship: A Political Sociology of Mobility." *Journal of Common Market Studies* 48(4): 945–965.

Arendt, H. 1998. *The Human Condition*. Chicago: UChP.

Azoulay, A. 2008. *The Civil Contract of Photography.* NY: Zone Books.

Bachofen, J.J. 1861. *Das Mutterrecht. Eine Untersuchung über die Gynaikokratie der alten Welt nach ihrer religiosen und rechtlichen Natur*. Stuttgart: Krais & Hoffmann.

Balibar, Étienne. 2008. "Historical Dilemmas of Democracy and Their Contemporary Relevance for Citizenship," *Rethinking Marxism* 20(4): 522 – 538. DOI: 10.1080/08935690802299363

Balibar, Étienne. 2017. *Citizen Subject. Foundations for Philosophical Anthropology*. Tr. Miller, S. NY: Fordham University Press.

Bassel, L., Monforte, P. and Khan, K. 2018. "Making political citizens? Migrants' narratives of naturalization in the United Kingdom." Citizenship Studies 22(3): 225–242. https://doi.org/10.1080/13621025.2018.1449808

Bailey, T., ed.. 2017. *Contestatory Cosmopolitanism*. NY: Routledge.

Barnett, C. 2012. "Situating the Geographies of Injustice in Democratic Theory." *Geoforum* 43(4): 677–686.

Benhabib, S. 2006. *Another Cosmopolitanism.* New York: Oxford University Press.

Benveniste, E. 1974. "Deux modèles linguistiques de la cité." In *Problémes de linguistique générale II*, 272-281. Paris: Gallimard.

Bohman, J. 2004. "Republican Cosmopolitanism." *The Journal of Political Philosophy*, 12(3): 336–352.

Bourdieu, P. 1977. *Outline of a Theory of Practice*. Tr. Richard Nice. Cambridge: CUP.

Brysk, A. and Shafir, G. (eds). 2004. *People Out of Place: Globalisation, Human Rights and the Citizenship Gap*. London: Routledge.

Burchell, D. 2002. "Ancient Citizenship and its Inheritors." In *Handbook of Citizenship Studies*, Isin, E. & Turner, B. (eds.), 89-104. London: Sage.

Caraus, Tamara. 2018. "Migrant protests as acts of cosmopolitan citizenship." *Citizenship Studies*, 22(8): 791-809. DOI: 10.1080/13621025.2018.1530194

Casas-Cortés, M., S. Cobarrubias, and J. Pickles. 2014. **"**The Commons.**"** In *A Companion to Urban Anthropology*, Nonini, R. (ed.), 447**–**469. John Wiley & Sons.

Charen, H. 2022. *On the Politics of Kinship*. London: Routledge.

Clastres, P. 2010. *Archaeology of Violence*. tr. Jeanine Herman. LA: semiotext(e).

Darling, Jonathan. 2017. "Acts, ambiguities, and the labour of contesting citizenship." *Citizenship Studies* 21(6): 727-736. DOI: 10.1080/13621025.2017.1341658

Déchaux, J.H. 2008. "Kinship Studies: Neoclassicism and New Wave. A Critical Review." *Revue française de sociologie* 5(49): 215-243.

De Graauw, E. 2020. "City Government Activists and the Rights of Undocumented Immigrants: Fostering Urban Citizenship within the Confines of US Federalism." *Antipode*. doi: 10.1111/anti.12660

Douzinas, C. 2007. *Human Rights and Empire, the Political Philosophy of Cosmopolitanism*. NY/London: Routledge.

Dubois, J. 1995. *Judgment and Sachverhalt. An Introduction to Adolf Reinach's Phenomenological Realism.* Dordrecht : Springer Science+Business Media.

Engels, F. 1962. *Der Ursprung der Familie, des Privateigenthums und des Staats [Origin of the Family, Private Property, and the State] (1884)*. Berlin: Dietz.

Fortier, A.-M. 2016. "Afterword: Acts of Affective Citizenship? Possibilities and Limitations." *Citizenship Studies* 20(8): 1038–1044.

Foucault, M. 1994. "Face aux gouvernements, les droits de l'homme [Confronting Governments, Human Rights]." In *Dits et Écrits 1954–1988, IV*, 1980–1988, 707–708. Paris: Gallimard.

Gordon, Colin. 2015. "The Drowned and the Saved: Foucault's Texts on Migration and Solidarity." *Open Democracy*. Accessed November 9, 2022. https://www.opendemocracy.net/en/can-europe-make-it/drowned-and-saved-foucaults-texts-on-migration-and-solidarity/

Habermas, J. 1992. "Citizenship and national identity." *Praxis International* 12(1): 1-19. https://dx.doi.org/10.4135/9781446250600.n3

Harvey, D. 2009. *Cosmopolitanism and The Geographies of Freedom*. NY: CUP.

Hayden, P. 2013. **"**Albert Camus and Rebellious Cosmopolitanism in a Divided World.**"** *Journal of International Political Theory* 9: 194-219. doi:10.3366/jipt.2013.0055.

Hegel. G.W.F. 1971. *Philosophy of Mind, Part Three of the Philosophical Sciences* (1830), tr. William Wallace. Oxford: Clarendon Press.

Hegel. G.W.F. 1991. *Elements of the Philosophy of Right* (1820). Tr. H. B. Nisbet. Cambridge: CUP.

Held, D. 2004. *Global Covenant: The Social Democratic Alternative to the Washington Consensus*. Cambridge: Polity Press.

Ingram, J. D. 2013. *Radical Cosmopolitics: The Ethics and Politics of Democratic Universalism*. NY: CUP.

Isin, E. 2008. "Theorizing acts of citizenship." In *Acts of Citizenship*, Isin, E. & Nielsen, G. M. (eds.), 15-43. London: Palgrave Macmillan.

Isin, E. 2009. "Citizenship in flux: The figure of the activist citizen." *Subjectivity* 29: 367-388. http://dx.doi.org/10.1057/sub.2009.25

Kallio, K., Wood, B.E., and Häkli, J. 2020. "Lived citizenship: conceptualising an emerging field." *Citizenship Studies*, DOI:10.1080/13621025.2020.1739227

Knight. C. 2008. "Early Human Kinship Was Matrilineal." In *Early Human Kinship*, N.J. Allen, H. Callan, R. Dunbar and W. James (eds.). Oxford: Blackwell.

Lehning, P. & Weale, A., eds. 1997. *Citizenship, Democracy, and Justice in the New Europe.* London: Routledge.

Levi-Stauss, C. 1969. *Elementary Structures of Kinship*. Boston: Beacon Press.

Loidolt, S. 2017. "Phenomenology, law, and the political. A methodical reflection on first-person inquiry, normative orders, and action." *Ética e filosofia política* XX(2): 152-173.

Malinowski, B. 1913. *The family among the Australian Aborigines: a sociological study.* London: ULP.

Marín Ávila, E. 2020. "From the Declaration of Human Rights to Their Existence. Considerations of Phenomenology and Social Ontology." *Diánoia* 65(84). https://doi.org/10.22201/iifs.18704913e.2020.84.1648

Marshall, T. H. 1950. *Citizenship and Social Class.* London: CUP.

Morgan, L. H. 1851. *League of the Ho-dé-no-sau-nee or Iroquois*. Rochester: Sage & Brother.

Mulligan, K. 1987. "Promisings and other Social Acts: Their Constituents and Structure." In *Speech Act and Sachverhalt Reinach and the Foundations of Realist Phenomenology*, Mulligan K. (ed.), 29-90. Dordrecht : Springer-Science+Business Media.

Nietzsche, F. 1967. Zur genealogie der Moral. In *Kritische Studienausgabe*, M. Montinari y G. Colli (eds.). Volume 5, Berlin-NY: de Gruyter.

Nyers, Peter. 2015. "Migrant Citizenships and Autonomous Mobilities." *Migration, Mobility, & Displacement.* 1(1): 23-39.

Paulson, S. 1987. "Demystifying Reinach's Legal Theory." In *Speech Act and Sachverhalt Reinach and the Foundations of Realist Phenomenology*, Mulligan K. (ed.), 133-154. Dordrecht : Springer-Science+Business Media.

Papadopoulos, D. and Vassilis S. Tsianos. 2013. "After citizenship: autonomy of migration, organisational ontology and mobile commons." *Citizenship studies* 17(2) : 178-196.

Plato. 1966. Plato in Twelve Volumes, Vol. 1 tr. H. N. Fowler, Cambridge: Harvard.

Reinach, A. 1983. *The Apriori Foundations of the Civil Law*. Irving: The International Academy of Philosophy Press.

Sedley, David. 2018. "Lucretius". In *The Stanford Encyclopedia of Philosophy*, Zalta, E. (ed.), https://plato.stanford.edu/archives/win2018/entries/lucretius/

Schneider, D. 1968. *American Kinship: A Cultural Account.* Chicago: UChP.

Smith, R. 2002. "Modern Citizenship." In *Handbook of Citizenship Studies*, Isin, E. & Turner, B. (eds.), 105-116. London: Sage.

Stierl, M. 2016. "A sea of struggle – activist border interventions in the Mediterranean Sea." *Citizenship Studies* 20(5): 561-578. DOI: 10.1080/13621025.2016.1182683

Tazzioli, Martina. 2021. "Towards a genealogy of migrant struggles and rescue. The memory of solidarity at the Alpine border," *Citizenship Studies*, DOI: 10.1080/13621025.2021.1923657

Toscano, J. 2021. "Violence as Expression. The impact of Leibniz and the Baroque on Walter Benjamin's Political Thought", *LoSguardo* 32(1): 197-216.

Wenman, M. 2013. *Agonistic Democracy: Constituent Power in The Era of Globalisation.* Cambridge: CUP.

Ypi, Lea. 2008. "Justice in Migration: A Closed Borders Utopia?" *The Journal of Political Philosophy* 16(4): 391–418.

BOOK REVIEWS

Michelle Castaneda, *Disappearing Rooms. The Hidden Theatres of Immigration Law*, Durham: Duke University Press, 2023. ISBN 9781478024262 (ebook), ISBN 9781478016991 (hardcover).

Review by Dan APĂTEANU

"Disappearing Rooms" delves into contemporary immigration courtrooms, examining the author's experience within the immigration justice movement and the theatrical nature of these spaces. It sheds light on hidden, theatrical courtrooms where the coloniality of immigration law is deeply felt. The book discusses the paradoxes and crises in immigration law, aiming to challenge our perceptions and proposes a deeper understanding of the system. The courtrooms are seen as spaces where the complexities of the colonial project are theatrically displayed, and the tension between the law's authority and its reliance on those it excludes is highlighted. Additionally, it touches upon the inner experiences of those affected by the law's actions and the contrast between the state's power and the sense of inner wholeness experienced by the marginalized.

The first part of the book "Disappearing Rooms" scrutinizes the "Removal Room," located in a Manhattan government building, where immigrants checked in with ICE officials and faced potential detention or deportation. The chapter investigates the paradox of a space designed to hide the act of deportation yet paradoxically showcase removability. It dissects the scenographic elements and the emotional experience within this unsettling environment. The next part discusses the author's involvement in an accompaniment program, providing moral support and resistance against deportations. It explores the contradiction of immigrants seeking recognition while their very movement to the U.S. was unsanctioned. The final part concludes by reflecting on the story of a woman who vanished at the US-

Mexico border and the intertwining connections between the searchers and the searched, echoing the musical concept of accompaniment beyond physical confines.

Chapter 1 of the book "Disappearing Rooms" vividly portrays the stark reality of the "Removal Room," where immigrants checked in with ICE officials, facing potential detention or deportation. It explores the contradiction of a space designed to conceal deportations while paradoxically showcasing removability. The chapter exposes the disheartening dynamics within this environment and the transformation of accompaniment volunteers, emphasizing their impact on the room's atmosphere through silence and presence. It examines the policies and history shaping the category of "removable" individuals and the problematic portrayal of certain immigrants as criminals. The narrative reveals the dramatic experiences during accompaniment, detailing the efforts to disrupt ICE's control over the room and the subsequent changes in the accompaniment program. Furthermore, it highlights the racialization and hierarchy within the movement, reflecting the challenges it faces despite its original intentions.

Chapter 2 of "Disappearing Rooms" looks into the unsettling reality of family detention, focusing on the South Texas Family Residential Center in Dilley, Texas, designed for Central American mothers and children seeking asylum. The author highlights the absurdity of seeking protection from those who have incarcerated them, exploring the intertwining dynamics of recognition and elimination within this space. It traces the historical reforms leading to the establishment of family detention and the paradoxes arising from policies designed to detain specific Central American populations while ostensibly upholding humanitarian ideals.

The chapter details the visit to Dilley and the peculiar environment within the detention center, emphasizing the inherent contradiction where detainees were encouraged to seek asylum from a government they feared more than their home countries. It uncovers the tension between the government's offer of protection and the detainees' genuine fears, emphasizing the refusal of some to comply with the repressive system.

The narrative reveals the complexities and contradictions within family detention and questions the efficacy of a system that purports to provide safety while instilling fear. It brings to light the intricacies of seeking asylum within a space built on the logic of elimination and poses questions about the dynamics of accompanying individuals within this prison heterotopia.

Chapter 3 of "Disappearing Rooms" explores the complexities of asylum

decisions and the interplay between recognition and the right not to disclose one's story. The author introduces the film "A Well-Founded Fear," offering a glimpse into asylum officers' determinations and aiming to reveal the performative aspects of asylum-seeking within the legal process. The chapter reflects on the students' critical perspectives regarding the power dynamics involved in asylum decisions, particularly addressing the asymmetry inherent in these scenarios.

Also, it inquires into the concept of recognition, drawing from philosopher Georg Hegel's views on human development and contrasting it with decolonial theorist Frantz Fanon's stance on recognition within colonial society. The chapter highlights the dual nature of colonialism, emphasizing how the process of seeking recognition aligns with the colonial state's imposition on the colonized to fit into the colonizer's perspective.

The discussion further dissects the asylum system, revealing its universal eligibility for protection while still reinforcing the territorial sovereignty of nation-states. It touches upon the tension between asylum law and the autonomy of marginalized groups, shedding light on how the asylum system doesn't aim to address the global inequalities stemming from colonial histories and often fails to cover those migrating for economic reasons. The chapter navigates the complexities of distinguishing asylum-seeking from unauthorized migration within the asylum advocacy sphere.

"Disappearing Rooms" underscore the stark realities within immigration systems, shedding light on the paradoxes and contradictions within these environments. The portrayal of the Removal Room highlights the contradictory nature of spaces designed to obscure deportations while emphasizing the individuals' removability. Accompaniment volunteers' transformations and the challenges faced by the immigration justice movement reveal the complexities and racial hierarchy within these systems. Similarly, the analysis of family detention illuminates the juxtaposition of seeking asylum from the very authorities who impose incarceration, thereby engendering an environment filled with complexities and contradictions. Moreover, the exploration of asylum decisions and the concept of recognition within the colonial framework accentuates the limitations and tensions within asylum systems, reflecting the failure to address global inequalities and the struggles faced by marginalized groups seeking asylum and protection, thus highlighting the intricate complexities and challenges within these spheres of migration and justice.

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