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Undocumented Migrant Communities in Cities: Negotiating Legal and Legitimate Status from Below

Oreva Olakpe

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Negotiating Legal and Legitimate Status from Below**

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Abstract

This paper examines the literature on cities, citizenship and performative rights claiming through the lens of undocumented migrant status, using ethnographic research of the Nigerian community in the city of Guangzhou, China as an example. It begins with a background of the research, delineating the context of migration in China and the factors shaping the perceptions of citizenship and undocumented status in that locale. Next, it delves into the literature on citizenship and rights claiming, looking at the approaches to citizenship and tries to situate undocumented migrant status in these approaches. It then relies on examples for the city of Guangzhou to illustrate how undocumented migrant communities perform citizenship and negotiate legal and legitimate status through alternative channels and resist hegemonic structures in big cities in real life. This paper unpacks the ways in which undocumented migrants exhibit citizenship, belonging and agency from below to demonstrate the different meanings and manifestations of agency, marginality and asymmetries of power in big cities in the Global South.

Table of Contents

Abstract.....	i
Table of Contents	ii
Introduction	1
Background of research.....	1
Research problem and questions	2
Research objectives and significance	2
Definitions of terms and conceptual clarifications	3
Research Context.....	4
Citizenship as privilege and exclusivity	6
Access, representation and belonging as benefits of citizenship.....	6
The creation and institutionalization of asymmetries of power	7
Performing Citizenship in Cities	7
Approaches in the literature on citizenship and cities.....	7
A cosmopolitan approach.....	8
An urban approach.....	8
An agency approach.....	9
Approaches from below (A community approach).....	10
Approaches from Below: The Example of the Nigerian Community in Guangzhou, China	10
Community membership as a form of citizenship	10
Creating communal structures and support systems to belong (healthcare, accommodation education, social networks, employment and mobility).....	11
Legal consciousness as a path to justice, access and representation.....	12
Communal mobilization and collaboration	13
Conclusion: Centering the agency of non-status migrants.....	14
Research limitations and future research directions.....	14
References	16

Introduction

Background of research

What is citizenship, who is a citizen and what does a citizen do? A strictly formal conceptualization of citizenship focuses on legal status and rights, centered on a top-down relationship between the state and the individual. Many scholars have analyzed and contended with what citizenship means and the transformations that have occurred to the concept over time. Shklar (1990) and Sandel (1996) argue that citizenship is more intricate than legal status within a state and that it has to do with recognition or standing in a political community. Staeheli (2003) agrees with Shklar and Sandel and adds that the debate around citizenship is contentious because it is about standing in a political community and this is impacted by changes in 'values, practices and ideas about commonality that are embedded in communities.' The debate would be less contentious if it was only about the *de jure* status of citizenship. Lister (1997) argues that large scale migrations (an impact of globalization) change the political structures in a community, impacting who is accepted in the community of citizens, how citizens behave and the rights that accrue to those who belong.

The increasing gap between *de jure* citizenship, which is tied to the territorial nation state and *de facto* long-term residence of non-citizens has led to changes in the conceptualization of formal state membership. Vasanyi identifies that scholars of citizenship are split between those who focus on a post-national citizenship (Soysal, 1994; Calhoun, 2003), transnational citizenship (Sassen, 1996; Itzigsohn, 2000; Baubock, 2003a), supranational citizenship (Kofman, 2002), and scholars including Bhabha (1999), Nagel (2002) and Bloemraad (2004) who argue that even though migration has impacted *de jure* citizenship, it still remains fundamental.

While *de jure* citizenship is still normative, there are other conceptualizations of citizenship that go beyond the state as the center of citizenship and instead focus on the resistance or struggle for belonging, access and recognition in places like cities in their everyday lives. This struggle is a performance of citizenship or performative claims making. Here, cities, not states, become the level at which citizenship is performed or expressed. Numerous scholars across disciplines in the social sciences have identified and analyzed this conceptualization (for example, Siemiatycki and Isin 1997; Baubock 2003; Vasanyi 2006; Montefort and Dufour 2011, Bhimji 2014; Verloo 2017; and Bloemraad 2018). These conceptualizations take the significant role in defining citizenship from the state and place it in the hands of individuals and communities.

Bauböck (2006) delimits the borders of the concept and how it has transformed over time depending on the transformations occurring in government. According to Bauböck, it has transformed from a status of membership in a self-governing political community transitions from authoritarian regimes to democratic ones to solely formal legal status with privileges and duties that are protected or implemented by a political authority in times of the decline of popular rule. This conceptualization is a political citizenship and is tied to the transformation of the state. Bauböck adds that transformations in contemporary liberal democracies focus on 'virtues of self-reliance and the responsibilities of individuals to contribute to the wider community', rather than on the political nature of citizenship.

This shift moves from the role of the state in implementing or guaranteeing formal legal status and its privileges and duties to the role of individuals and their contributions to the wider community. The shift to the role and contributions of an individual imply that for one to be a citizen or to belong, there are certain actions that must take place on the part of the individual. According to Bauböck, in order to understand the factors impacting the political decisions and activities of migrants, it is necessary to study migrants' social networks, organisations, as well as their cultural and religious identities. Baubock identifies three

dimensions of citizenship, which are legal and political status, rights that stem from those statuses and individual identities and practices that are associated with those considered as citizens.

The more contemporary work by Bhimji, Verloo and Bloemraad focus specifically on the performance of citizenship and claims making in undocumented migrant communities in Western countries and drawn conclusions on citizenship by observing or documenting their narratives. This paper also focuses on looking at how citizenship is understood and performed within communities of non-status migrants- outside the frame of legal status, rights and governmental and legal legitimacy. The study draws specifically from ethnographic research of the Nigerian undocumented migrant community in the city of Guangzhou, China. Additionally, this study intends to situate the ethnography and its findings within the wider literature on performing citizenship and negotiating legal and legitimate status through alternative channels.

Research problem and questions

The problem that this paper aims to examine is a gap in knowledge about how specific undocumented or non-status migrants and migrant communities perform citizenship and negotiate legal and legitimate status through alternative channels. Comprehensively, this paper aims to situate ethnographic research on non-status migrant communities in the wider literature on cities, citizenship and performative claims making. This study is driven by one main question: How and why do non-status migrants and migrant communities in big cities in the Global South negotiate status, achieve justice and protect their interests at their level and within the constraints of the state? Sub questions that will be addressed from the main question are:

- a. What is significant about how and why undocumented migrants perform citizenship and negotiate legal and legitimate status from below?
- b. How do big cities influence or shape how undocumented migrants' conceptualization of citizenship and how they negotiate their statuses and protect their interests?

By answering these questions, this paper works to unpack how exclusion from legal status and rights and other protections spur performances and claims making in undocumented communities.

Research objectives and significance

This paper has two broad objectives. The first is to use the ethnographic research on the Nigerian community in Guangzhou to draw conclusions on citizenship and the negotiation of legal and legitimate status. This makes a methodological contribution to studies on migration and citizenship because it focuses on South-South migrations. Numerous studies have been done on undocumented migrants' performances and claims of citizenship but most of them focus on the Global North (for example, Bhimji 2014, Verloo 2017, Montefort and Dufour 2011). There is a gap in research about undocumented migrant communities in the Global South because research on migration generally is driven by scholarship in the Global North for reasons ranging from the domination of migration narratives by Western countries, lack of funding, etc. Undocumented migrants in the Global South are also confronting the limitations of citizenship and resisting hegemonic structures by creating alternatives or making claims against the state. How non-status migrants negotiate their status in the Global South is very significant because there is a different

historical, political, cultural and social context from Western states. There are numerous lessons to learn from case studies on southern approaches within undocumented migrant communities in the Global South.

Secondly, in addition to exploring Southern approaches to exclusion from legal or formal status and rights, this paper also focuses on approaches from below as a case study on the agency of undocumented migrants in big cities. From a legal perspective, migrants without status are stripped of the rights and protections that apply to those with legal status, belonging, recognition and access. As a result, the impact of exclusion often overshadows the agency of undocumented migrants to make claims and mobilize for the protection of their livelihoods and families within the state. Focusing on the ways in which non-status migrants exhibit their legal consciousness, act as political agents, use the language of the law and an awareness of their rights and mobilize among their community to create a sense of belonging is important shows the ways in which those at the fringes of society create and contribute to justice, the protection of rights, etc. Basically, undocumented migrant communities are sites of power struggles and resistance against exclusion and understanding how these struggles occur will enable us to have a better understanding of the contributions and changes that undocumented migrants make in their daily lives, regardless of their statuses. An approach from below destabilizes the top-down relationship between the state and migrants and centers the migrant as an agent of change.

Definitions of terms and conceptual clarifications

Before delving into the research context, there are some terms used in the analysis below that need to be clarified for the purposes of this paper.

- **De jure citizenship** refers to citizenship originating from formal legal status, and the duties and rights that are guaranteed by the state.
- **De facto citizenship** relates to citizenship that stems from other factors including long term residence.
- **Urban citizenship** envisions cities as political spaces in which different communities claim their rights and perform belonging and membership.
- **Claims making** in this paper pertains to processes through which undocumented migrants contest limitations they experience as a result of their status.
- **Performance** is centered on acts/ actions that exhibit perceptions of citizenship and belonging.
- **Access** in this paper will refer to the availability of necessities and rights including education, housing, employment, etc.
- **Recognition** refers to the legitimacy or illegitimacy of the claims that undocumented migrants make.
- **Undocumented migrant or non-status migrant** refers to migrants without legal documentation and legal status.
- The definition of citizenship from Bloemraad (2018), in which citizenship is a process wherein membership claims are made on people, institutions and polities (p. 6), is also taken as the definition of **agency** in the context of undocumented migrants. Membership claims made by non-status migrants illustrate their capacities as political agents that can effect changes in perceptions, legislature and policy.

Research Context

The Nigerian community in Guangzhou makes an interesting reference because Nigerians make up the highest number of undocumented African migrants in China. Additionally, Guangzhou is a port city and one of the commercial hubs in China and has the highest concentration of African migrants, particularly undocumented migrants and communities who have been present since the late 1990s. Big cities attract all types of 'newcomers' and as a result, become crucial space to study and understand citizenship, inclusion, and the numerous ways migrants (both documented and undocumented) locate themselves and protect their interests within and in spite of the limitations of their statuses.

The African migrants in Guangzhou are mostly traders and businesspersons and the exact number of undocumented migrants is unknown, however, the concentration of migrants in areas like Xiaobei signify that there the communities of migrants are visible and significant. Over time, these communities have grown in the city; the Nigerian community is the largest, is the most organized and has the highest visibility. There are estimates ranging from tens of thousands to hundreds of thousands of Africans in China (Castillo, 2014).

The opening of China through economic reforms in the 1980s, led to the easing of China's migration policies and people with no ancestral or cultural ties to China began migrating in larger numbers for business, education, and other reasons. Newcomers, particularly those of African descent increased from the 2000s onwards. This increase was also as a result of China's Sino-African foreign policy, which included development policies with investments, scholarships and infrastructure in exchange for trade and natural resources (Cheru and Obi, 2010). As a result, the number of non-Chinese people migrating from developing countries has grown.

Historically, Guangzhou has attracted migrants because of trade and the port, which meant easy access to shipping and transportation. As a result, the presence of migrants from other parts of the Global South in Guangzhou is not new. An interviewee, Mr S narrated why he chose to migrate to Guangzhou in the 1990s:

'As a Black man who has travelled to eighty of China, I will tell you the difference between Guangzhou and other cities. There are three major cities in China: Shanghai, Guangzhou and Beijing. Most of us were in Hong Kong and because Guangzhou is the bridge between the Mainland and Hong Kong, we settled here. Business-wise, Guangzhou has very small markets where you can go and do your thing and leave easily. Other cities don't have such markets. Transportation-wise, Guangzhou is more advanced than other cities. In terms of communication, Guangzhou is easier. In people-to- people affairs, the Cantonese are more open than other Chinese people. Shanghai is too busy, the cost of living is too high, not very attractive to Africans. Beijing, the capital is also too expensive, so Guangzhou is the obvious choice. That is why I find myself here.'

China did not have strict definitions of citizenship, nationality, borders in the past and migration was not large scale. When China 'opened up' the economy, the state was confronted with new forms of migration including refugees, asylum seekers and undocumented migrants from countries with no shared ethnic or cultural heritage. According to Song (2014), China has a history of accepting 'returning Chinese' who are migrants with shared ancestry or cultural ties up until the 1970s and as a result, China did not develop a coherent legal or policy approach towards undocumented migrants and other types of migrants until the 2000s. The presence of an increasing number of foreigners created a challenge to the myth of cultural and political homogeneity, which has shaped China's laws

and policies. The process of opening signified a shift of sorts between a communist and introspective system to a capitalist one.

However, though China was open to foreign business, the two opposing systems are constantly clashing, creating an oppressive and hierarchical system which is open to foreign interaction and collaboration at the same time. As a result, the 'opening up' contradicts the local realities and local laws and policies which are shaped by population pressures and strict internal migration restrictions. I argue that this tension is the reason why Sino-African diplomacy has not corresponded with how African migrants are regarded or treated in China at the local level. China's Sino-African foreign policy touts an equal partnership with African countries for mutual benefit but at the local level and in person-to-person interactions, the reality is different.

China's internal dynamics of migration restrictions, population pressures and a hierarchical system, coupled with the myth of political and cultural homogeneity has had a negative impact on Chinese people, especially minority groups, as a result, migration is a very politically charged issue. The myth of homogeneity is challenged by the presence of foreigners, especially those of African descent, and the space foreign migrants occupy is limited because even Chinese citizens do not have freedom of movement within the state. In the words of Grosfoguel, Oso and Christou, there is no neutral space for migrants to occupy in cities- metropolitan areas have been blighted by hegemony, racial and ethnic hierarchies and exclusions. This paper does not focus on the issues of internal migration but on foreign undocumented migrants, nevertheless, the impact of internal migration and the challenges of population control have shaped the politicization of migration in China and as a result. In China, internal migration is a challenge to citizens and consequently, there is a general negative outlook on foreign migration, especially undocumented, refugee or asylum migrations.

Like other states, China considers undocumented migration as a breach of China's Entry and Exit Law (which is China's immigration legislation) and implements punitive measures including arrest, imprisonment, fines and deportation.¹ Additionally, immigration law and policy is implemented by the Ministry of the Public Security and Border Control (PSB), which is an equivalent of the police and consequently, the general approach to undocumented migration is a criminal justice approach (Liu 2011). There are no basic rights or protections in the Entry and Exit Law or in the Chinese Constitution that covers undocumented migrants.² Human rights in the Chinese context are less about benefits or individual rights and more about responsibilities and communal rights (Guo 2009).

As the numbers of foreign migrants began to increase since the 2000s, visa laws began to develop and evolve. From an open system, immigration began to tighten up, especially for Africans. For example, Nigerians were able to get visas on arrival in the 1990s but by the 2000s, that policy was cancelled, along with long-term visas and availability of visa extensions. Police registration became compulsory and the frequency of immigration raids and documentation checks also increased over time, targeting Africans in cities like Guangzhou (Huang 2018). African migrants are conspicuous because of race and nationality and conspicuousness shapes how they perform citizenship and negotiate legal and legitimate status.

Yuval Davies (1999) argues that because citizenship is a multi-layered construct (local, ethnic, national, state and other layers) that is shaped by relationships of the relationship of those layers with historical context. The contextualization above is important because it illustrates the background shaping the citizenship and the resulting relationship between the state and undocumented communities, as well as perceptions of these

¹ China: Law of 2012, Exit and Entry Administration Law, Art 71, 72, 78, and 80.

² *ibid.*

communities and the space they occupy in China. In a state where rights claiming is limited for citizens, it follows that it will be even more limited for non-status residents.

Citizenship as privilege and exclusivity

Access, representation and belonging as benefits of citizenship

Based on the current system of international law, where state sovereignty still stands, regardless of the impact of globalization and the proliferation of rights, *de jure* citizenship-legal status remains a vital factor for belonging and access to specific rights and protections enforced by the state. As a result, those lacking *de jure* citizenship are usually excluded from certain benefits that come from local, state and national identity and political representation. Without political representation and involvement in law and policy making processes, people without status become severely limited in the spaces in which they can express their political, economic, social and cultural identities and aspirations.

Baubock holds that citizenship draws the lines between members and outsiders and diminishes the responsibilities of states towards outsiders, giving the state the power to refuse entry or deport them. Baubock identifies freedom of movement within a state and a right to enter as the major characteristics of contemporary citizenship and holds that the restrictions of citizenship are problematic for democracy because it limits rights of political representation.

This is not to say that all citizens within a state have equal access to protections and benefits of citizenship. Citizens experience citizenship, belonging and access based on a wide range of factors (for example economic status, race, gender, historical context etc.). For instance, Chinese citizens are restricted internally and cannot migrate freely. However, foreigners have markedly fewer rights than citizens and undocumented migrants have the least protections and have no rights for political participation or engagement.

Bloemraad (2018) concludes after reviewing citizenship literature that the possession of citizenship status is still linked to political and civic engagement, national identification, socio-economic inclusion and social integration in comparison to foreigners who have legal status. Bloemraad adds that citizenship provides 'economic 'premium' for naturalized immigrants, improving income, employment, and occupational prestige'. Because undocumented migrants cannot participate in political or legal processes, they are not represented when laws and policies are being formed and as a result, their interests are not represented in the finished results of these processes and they are not able to develop a sense of political belonging at the state or city level as a result. It is this sense of belonging that gives people the 'feeling' of citizenship.

This conclusion depends on the context of the state or city of course, there are states and cities where undocumented migrants are allowed to participate in local level political processes and local membership policies to encourage inclusion, as discussed in the work of Mcnevin (2009), Verloo (2017) and others in the West. In China, this scenario is not the same because due to China's unique political context, Chinese nationals, particularly minority groups are also engaged in struggles for access, representation and belonging. As a result, there is little room for the type of inclusive local membership policies or processes for undocumented migrants that exists in some Western countries.

The creation and institutionalization of asymmetries of power

As a result of the exclusions from access, representation and belonging that stem from participation in political, social and economic processes, I argue that this leads to the creation and institutionalization of asymmetries of power in the wider society and in relation to non-status individuals and communities. These asymmetries of power in turn impact the experiences of undocumented migrants. This happens because law and policy making processes that are created to exclude certain groups may also target or victimize those groups.

Drawing from the Chinese study, Chinese immigration laws and policies have increasingly become stringent for African migrants to stem the rising migrations to cities like Guangzhou and to address the problem of visa 'overstayers'. As a result, visa laws and policies tend to discriminate between African migrants and others. Visa application processes and requirements are long and tedious and visa lengths are extremely short for Africans; while other foreigners can do things like visa extensions within China, Africans cannot get extensions, especially in cities where many African reside. Additionally, the stereotype of 'sanfei', or people who enter, work or live in China illegally, has become associated almost exclusively with Africans by China's PSB. Due to this labeling, racial profiling, arbitrary inspections, detention, fines, and arrests, the arbitrary curtailment of registration certificates for temporary residency, heavy policing of African communities, and police brutality have become institutionalized responses to the presence of undocumented Africans. Because the processes that lead to these laws and policies are made with criminal justice goals, they tend to be punitive in nature (Guang 2018).

Facing institutionalized oppression in visa policies, Africans also face discrimination in job markets, housing, and other areas that shape belonging, representation and access. Changes in immigration policy happen at the municipal level and not at the national level because it is at that level that the pressure of African migration is felt. This recalls the disconnection between the national Sino-African agenda and internal realities. According to Huang (2018), the heavy fines realized from African migrant communities motivates the heavy handedness of local officers. The fines become a form of business that is lucrative and as such it validates extortion and violence. Huang (2018, p.19) elaborates that because at the national level, the government provides a budget for the Ministry of Public Security and as a result, at the provincial, municipal and local levels, public security agencies are all dependent on those levels of government for resources. Particularly, the underfunding of the police at the municipal level has led to corruption and crime because officers often have to rely on 'illegal income', including income from heavy fines. According to Huang, 'Catching foreigners, especially Africans, without the proper documents is an excellent source of extra income of this sort.'

Performing Citizenship in Cities

Approaches in the literature on citizenship and cities

According to Vasanyi (2006), there is an etymological and historical link between cities and citizenship, particularly under the impact of globalization and the evolution of the role of the state. It is for this reason that citizenship scholarship has increasingly focused on the subnational level as central to the development of political belonging among migrants, especially undocumented migrants who are unable to fight for belonging, acceptance and access at the nation-state level, given the rigidity of *de jure* citizenship. As discussed in the introduction, discourse on citizenship has been leaning towards a subnational scale of

expression of citizenship because the struggles of migrants for belonging and access often happen at that level. Vasanyi's work is crucial because it identifies and delineates three main approaches to cities and citizenship, which are cosmopolitan or normative, urban or rescaling and agency-centered, which will be discussed below briefly.

A cosmopolitan approach

In this conception, citizenship is validated by transnational networks in big cities, the international human rights law regime, natural law, morality and cosmopolitan ideals of citizenship (for example, Held 1995, Ong 1999, Beck 2004). In this approach, cities become the sites where transnational political identities and politics form (Isin 1997, Sassen 1998). Some scholars (e.g. Mazlish 2005) argue that this form of citizenship must stem from the local level. According to this approach, the nation-state lacks the ability to manage citizenship and scholars with this point of view (Baubock 1994 (b), for example), believe that citizenship should be devised at the international level and that international institutions and structures may have a role to play. Examples of how migrants may exercise a cosmopolitan citizenship is by using the language of international human rights law, as well as transnational networks to gain access and belonging in cities they migrate to. None of these scholars included undocumented migrants in their conceptualization of cosmopolitan or normative citizenship, which is a limitation on this approach.

An empirical example is how asylum-seeking members of the Nigerian community learn and utilize international refugee law and international human rights law language, in addition to understanding the local context of refugee protection in China. These members of the community, in using the language and norms of international law and become part of the a wider community, enabling them to make claims and gain access to asylum procedures (potentially including registration and identification and access to employment), as well as reliance on an information chain between asylum seekers and refugees in different cities in China that enables them to stay abreast with new developments in refugee law and policy and to have access to resources and support. In the Chinese context, claims are made on the UNHCR, not the city. Here, the context shapes the reliance on an international institution in shaping how migrants can express their sense of rights and survive in the city as asylum seekers.

An urban approach

This approach centers on *de facto* long-term residence in a global city as the basis for urban citizenship (see Baubock and Rundell, 1998 and Purcell, 2003). According to Vasanyi, the European Union inspires this approach because it espouses a multi-scalar citizenship regime, which enables citizens of member states to participate in local elections outside of their countries of origin. Sassen (2003) and Isin (1997) envisage citizenship unmoored from the state and focuses on the role of transnational networks in making cities sites for the creation of political identities and democratic political structures. Baubock (2003) adds that urban citizenship must address questions of municipal self-government and include communities on the periphery of the city. Some scholars including Mushaben (2006) and Pine (2010) locate urban citizenship in the struggles of immigrants for the protection of their rights and to make new claims in the city, focusing on economic and social aspects of belonging. Particularly, Isin (1999) sees cities as spaces where different communities establish their presence and make attempts to alter power stratifications and politics in cities,

they live in. Nevertheless, none of these studies include undocumented migrants in their conceptualization because of the assumption that non-status migrants, without *de jure* status at the level of the state cannot struggle for belonging at the city level.

Bhimji (2014) argues that non-status migrants confront traditional ideas of citizenship and migrants through urban citizenship because regardless of status, their resistance can destabilize asymmetries of power, change legislation and gain inclusion in their cities of residence. Bhimji uses a case study of unlicensed and undocumented migrants negotiating their rights to drive in Los Angeles County in the United States to show urban citizenship and the ways non-status migrants resist hegemonic structures and practices in the city. Bhimji argues that discussions of urban citizenship must include the everyday struggles of undocumented migrants and how they impact the politics of cities they reside in and their status at the level of the state. In this approach, non-status migrants demonstrate urban citizenship because of their resistance to the power dynamics and laws, as well as how they continuously perform belonging and membership in the cities they reside in.

An agency approach

Scholars including Staeheli (2003) and Siemiatycki and Isin (1997) see citizenship as a dynamic grassroots political process which is continuously stretched and reframed by the rights claiming activities of residents of cities. Vasanyi (2006) illustrates that cities, shaped by globalization, transnational migrant networks and labour markets attracts newcomers who occupy new urban spaces and claim rights as members of the city, which changes the structure or boundaries of citizenship in the city and as these occur, more migrants are attracted who will repeat the process. This differs from the idea that citizenship is static and rigid because of legal status or lack thereof; instead, migrants are active political agents who have the capacity to effect changes on spatial and structural boundaries of citizenship.

Vasanyi (2006) argues that the constant reshaping of citizenship is necessary due to the gaps between the 'promises of formal citizenship and the realities of exclusions in the city'. Vasanyi uses an example from Pincetti (1994) on the establishment of a highly visible undocumented Latino community in the city of Los Angeles who petitioned the city council for urban renewal projects. In so doing, the community acted as citizens of the city, contributing to its development. Siemiatycki and Isin (1997), Rocco (1999), Getrich (2008), and Verloo (2017) conduct similar studies.

An empirical example from the research on the Nigerian community in the city of Guangzhou where instances where the community rallied to protest the institutionalized police violence against members of the community. In 2009, police brutality led to the death of a migrant without legal status in the community and members of the community unified and organized the first foreign protest, made up of mainly undocumented migrants in Mainland China. The protest not only made the community highly visible in local and international media but also made Chinese citizens and the government to discuss police violence, racism and immigration and led to a noticeable drop in the instances of police brutality for a while. Another instance of protests took place in 2012, when a member of the community was murdered leading to similar outcomes. Racism, police brutality and discrimination are some of the greatest limitations that undocumented migrants in Guangzhou face. By unifying, protesting and demanding the end of police brutality and discrimination, members of the community demonstrate their agency, as well as their belonging in the city. Protesting makes them visible, thereby stretching the limits of belonging in the Chinese city.

Approaches from below (A community approach)

Stemming from the agency approach, I discuss a fourth approach from below, which is centered on communal citizenship in undocumented communities, a level much lower than the city. This is because 'localities are the settings in which a sense of commonality and shared purpose is built, and that this sense of purpose is necessary for motivating individuals to act as citizens. This means that any community, including undocumented migrant communities, are spaces where citizenship becomes meaningful, rather than the state or the city.

The community determines how migrants experience citizenship, identity, exclusion, and asymmetries of power. According to Staeheli, person-to-person contact at the community level 'that span a range of activities that the bonds of social capital make for an active, engaged citizenry...' This perspective is not new, it has been discussed by Kemmis (1990), Etzioni (1993), and Putnam (2000) and other scholars but it has not been discussed particularly in relation to undocumented migrant communities, particularly those in the Global South. Vasanyi (2006), Getrich (2008) and Verloo (2017) discuss undocumented migrants but focus on empirical examples in the West, where the state has created local membership policies to address the growing communities of long-term undocumented residents. This context of state or city-driven local membership policy creation to accommodate undocumented migrants is applicable in a Western context and not necessarily true in the Global South. In states where even the rights of *de jure* citizens are limited, local membership policies formulated specifically for the inclusion of undocumented migrants may not be possible. Additionally, the fact that the local membership policies are state or city-driven shift the focus from the role of the community in creating belonging and access to the role of state or the city.

The daily lives of undocumented migrants that are on the fringes of legal protections of the state are replete with challenges that spurs them to create the very structures that status has denied them. Undocumented migrants in the Global South are often completely excluded from political processes in the state and the city. As political subjects, they form their own political structures that provide representation, communal voting rights, belonging and some levels of protection at the local level. They also create paths to education, healthcare, justice and other vital necessities, which their status excluded them from. These actions lead a sense of commonality and a shared purpose and identity and can be considered as citizenship. The undocumented Nigerian community in Guangzhou demonstrated this form of grassroots citizenship. Having discussed different theoretical approaches to citizenship, I will now explore the empirical findings from the Nigerian community.

Approaches from Below: The Example of the Nigerian Community in Guangzhou, China

Community membership as a form of citizenship

According to Mr B, a businessman who is one of the leaders in the Nigerian community, 'running the Nigerian community is like running a small country.' Mr B was one of the first Africans to migrate to the city of Guangzhou in the 1990s and as a result, he has been present from times when a community did not exist and has watched the transformations that have occurred as migration increased. The community took form in the early 2000s when the number of Nigerian migrants increased rapidly, Mr B and other early migrants noticed that newcomers were struggling due to the stringency and changes in Chinese

immigration law and policies at that time and decided to create a forum through which these challenges could be addressed. This resulted in a system with an elected President-General, judges, a task force, religious and ethnic leaders, an informal justice system, social and cultural engagements, etc. Describing the community as a small country indicates that there are structures established by members of the community that are similar to those in a country. Additionally, it implies that there are political processes driving representation both within and outside the community, as well as a sense of commonality and a shared purpose that creates a belonging to the 'small country'.

Comparing this narrative to the theoretical discussions above, we see that membership in the community is a form of citizenship to the migrants who cannot form a sense of belonging or make any claims in the wider community. China's context of an oppressive system (which applies to those with de jure citizenship, those with legal status, minorities, etc.) and local realities of restricted internal migration and population pressures differ greatly from the context of Western liberal countries. Citizenship is not as clear cut as it appears in theoretical discourse because it shapeshifts continuously depending on the place, the community and the context. As Staeheli noted,

'As liberal ideas about citizenship and the institutions regulating it spread to countries beyond the West and are extended to a greater range of social groups within countries, it becomes increasingly difficult to hold onto an abstract ideal of "the citizen." The stark reality of inequality and of values that may seem incompatible with those of "the community" challenge the ideal of a common basis for community in which citizenship is meaningful.'

All the people observed and interviewed in the ethnography (many of them married to Chinese citizens), rely on the structures within the Nigerian community for a sense of belonging, for access to justice, employment, mobility, education and healthcare, which they cannot get in from the city or the state.

Creating communal structures and support systems to belong (healthcare, accommodation education, social networks, employment and mobility)

The daily lives of members of the Nigerian community are impacted by severe discrimination which restricts their access to accommodation, healthcare, education, employment and mobility. As a result, they are spurred to create support systems that provide these services to meet the needs in the community. For example, homeowners are reluctant to offer accommodation to Africans and hotels turn down African travelers making access to accommodation an arduous task. A local policy in the city expounded that Africans must live in designated areas or hotels, which are either monitored by CCTV cameras, use the passports of Africans as collateral for the payment of rent, among other stringent rules.

Housing discrimination and the compulsory police registration requirement has made African migrants to be concentrated in places like Sanyuanli and Xiaobei, which have become synonymous with African residence and have become places targeted by the public security bureau for immigration raids and security checks. As a result, members of the community have created alternative channels to solve accommodation problems. For example, when Mr S migrated to China in 2012, he could not afford accommodation in a designated area and as a result, he approached the leaders in the community to solve the problem. There was a system in place in which members of the community married to citizens were able to circumvent discriminatory policies and rent out rooms to newcomers at

affordable rates. This also demonstrates why spaces in the city have become 'African' because these are the spaces where African bodies can occupy space.

In the same vein, when Mr S became seriously ill, he realized that he could not access healthcare because of his undocumented status. Again, the existence of the undocumented community had created the need for an underground medical system with doctors who offer services ranging from simple diagnosis to complicated surgeries to members of the community. Mr S was able to access surgical treatment due to the structures set up in the community. Ms M, a researcher held that these 'Black' hospitals were created specifically for Africans without status and that Chinese participation in these underground systems demonstrate an implicit acceptance of their presence in the city.

Ms M and Mr B also corroborated the underground education system where the children of members of the community can access education. Ordinarily, Chinese citizens cannot attend schools or universities in other parts of the country because of the *hukou* identification system, as a result, the context of education is shaped by these limitations. For undocumented foreigners, these restrictions exist as well, as a result, within the community, there are 'schools' where children of migrants can learn Chinese language, as well as other subjects in order to be able to become active and contributing members of the community in the future. Continuing education regardless of their limitations shows how migrants in the community are negotiating status by resisting discriminatory laws and policies that affect their lives and families.

All my research respondents were self-employed businesspersons due to the discrimination they faced in both the formal and informal job market, as well as work visa restrictions. Migrants from Western countries can find jobs easier because of their preferability and legal standing in China. According to Mr S and Mr B, there are very few formal jobs available to Africans so most people must become self-employed. Mr B has a successful business which employs over 60 Chinese and Nigerian staff, which he was able to build because of how early he migrated to China. Even for Chinese citizens, urban employment is a challenge due to the *hukou* system.

Ms C and Ms D, who are Liberian nationals also rely on the Nigerian community as well. They recounted of the difficulties they faced in finding employment in Dongguan and Beijing due to discrimination and how the networks in the community linked them to jobs as English tutors, saving them from a situation of forced labour and dehumanizing jobs. They also recounted how communal networks helped them to leave Dongguan in their path to seek asylum in Beijing by assisting them with information about the process, as well as identification to facilitate their journeys. In this sense, the community also gives mobility to its undocumented members in addition to social network for access to crucial services.

Legal consciousness as a path to justice, access and representation

Undocumented migrants are both legal and political agents and they exhibit very high levels of knowledge of the law and policies of the states they reside in. This is because their survival is directly linked to being abreast with the laws and policies related to their lack of status. Without a consciousness of the law and migration policies, the threat of arrest, detention and deportation will be higher. Additionally, being in the 'know' enables members of the community to be able to make claims within the community for justice, representation and active participation in the politics of the community. As a community, there is a shared interest in protecting members and this requires an understanding of laws and policies affecting migrants and the new developments. All my interviewees showed levels of understanding and consciousness of developments in Chinese migration laws, migration policies in Guangzhou and the legal culture in China. The community is a resource for

members and newcomers to get informed about changes in laws and policies, information on arbitrary arrests and document checks.

The community has its own system of resolving disputes, which mimics the Chinese system of quick restitution. For example, if one member of the community makes a claim against another member to the judges in the community about a case of business fraud, the property or tangible assets of the accused person will be seized and offered as restitution to the claimant, after an investigation has been made. This process works well because justice is immediate, which is crucial in a space that is outside the protections of the formal legal system and *de jure* citizenship. Mimicking aspects of Chinese dispute resolution norms is a way in which the community performs citizenship in the wider community- by assimilating practices of the wider community, the undocumented community is stretching the concept of belonging and changing it.

However, things are not as easy when a case involves a Chinese citizen. In such cases, citizens often exploit the undocumented status of migrants for their benefit. Mr S narrated an instance where he invested and collaborated with a Chinese citizen and was defrauded of his investment. The citizen was able to rely on the police due to the undocumented status of Mr S and he was arrested on charges of theft and asked to pay 13,000 RMB as compensation to the Chinese business partner. Mr S stated that cases involving citizens cannot be resolved within the community and when the police get involved, the claims of the citizen take precedence before a person without legal status. This shows that whenever legal status is the issue in question, the community is not able to provide remedies. Also, it illustrates that a consciousness of the systems and processes of the state is born when undocumented migrants encounter the inefficiencies of formal law and the oppressiveness of migration policies. They become cognizant of ways and the areas where the system works to their disadvantage and then develop alternatives.

Communal mobilization and collaboration

Having a sense of commonality and shared purpose enables the community to unite and mobilize to raise awareness on laws and policies that affect them negatively, protect their interests and to increase their visibility in the wider society. As mentioned above, the community has mobilized to protest China's harsh immigration policies and stringent law that have institutionalized police brutality and the targeting of African migrants in cities like Guangzhou. In addition to the protests against police brutality, the community has organized to speak up about arbitrary arrests, stringent visa policies, forced cremations, and deportations.

Members of the community recounted numerous instances where the community pooled resources together to pay for the return tickets of people who overstayed and were facing deportation. Community leaders have been active in negotiating and advocating for the release of approximately over 2000 Nigerians in jail. Mr B recounted an instance where a Nigerian died, and the leadership of the community paid for the cremation. The community plays a vital role in advocating for, representing and protecting Nigerians in China at a level, where both the Chinese government and Nigerian diplomatic mission cannot reach.

On one hand, the community is involved in mobilization and on the other hand, it is involved in collaboration and a perception changing agenda. The community has collaborated with the local authorities when there have been cases of crime involving members of the community. Collaboration is a method of performing citizenship in China because it demonstrates that the community shares similar values as the wider society in fighting for justice and security.

There are other African communities with structures (for example, the Malian community) but because the Chinese government does not permit large gatherings, mobilizing the wider African community is not possible. Mr B stated that the Nigerian community wanted to organise an African cultural day to celebrate cultural diversity, educate the society about African people and change negative perceptions about the community but this was not possible at the local level because the police is the only place where migrants can make requests and the police is not cognizant of the vision and purpose of the community. Mr B and other leaders in the community have created numerous intra-community events to alter perceptions of Nigerians in the city with the hope of changing the treatment of Africans in the long run. Mr B and other members of the community believe that one day, these efforts at intra-communal collaboration will pay off.

Conclusion: Centering the agency of non-status migrants

Research limitations and future research directions

My research on expressions of citizenship and belonging from below makes key contributions to case studies on undocumented migrant communities. It also adds a fresh perspective on how they negotiate status and create a sense of belonging and on migrants as political and social agents stretching the limits of citizenship by the daily activities. One of the limitations of the research was the extensiveness of the historical context of citizenship in China. I was not able to go into a lot of detail because that was not the focus of the study. Future research could look into the historical context of citizenship and how that has impacted the experiences of different types of migrants in that locale.

Another area I did not explore is the gendered nature of the undocumented migrant community and how that shaped women's experiences of belonging, access and representation at the communal level. This is an interested direction to expand the research to, taking the interrogations on citizenship and undocumented status into the field of gender. Majority of the members of the community are male and as a result, this is reflected in the political and social processes of the community, as well as in representation and leadership, and the justice mechanisms the community put in place.

Finally, *de jure* citizenship is still a fundamental part of international migration law and policy and its impact on non-status migrants in the Global South is still largely understudied. Insights from this study would need to be complemented through different case studies and a comparative perspective.

The insights that this study offers important insights as to how citizenship can be performed and developed from below even in the absence of legal status. This study shows that migrants create or find their own paths to justice, access to rights and belonging because it is crucial to their existence within the limitations of their status. The study illustrates how migrants as political and social agents can effect changes that may or may not be substantive to law, policy and local perception. Non-status migrants are resisting hegemonic structures created by the state and by international law at their level (which is considered informal, underground or alternative) in their daily lives. This constant resistance makes them very cognizant of their environment and the changes that are occurring at any given time.

Another very important takeaway is that because undocumented migrant community structures fill the gaps the state refuses to fill because of status, it is beneficial to the state to allow those structures to exist or develop. These structures create jobs, save lives, protect vulnerable individuals, promote justice (in cases where an informal justice system is established), and provide a support system for those outside the reach of the protections

afforded to citizens and legal residents. Additionally, the study shows that undocumented migrants employ diverse tools to carry out their resistance and stake claims in big cities- they protest, collaborate, educate and mobilize, which are all expressions of their agency.

Finally, this study shifts the conceptualization of marginality and how marginality manifests in undocumented communities. In discourse, the vulnerability of undocumented migrants often eclipses their resourcefulness and the dignity they have as they go about their daily lives. Recalling the response of Mr S to the perception of the lives that undocumented migrants live: 'I do not care about legal status; I chose to stay without papers and I am proud of myself. I am hardworking and successful and my decision to live here has changed the lives of my family members in Nigeria.'

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