
21. Protest in the policy field of asylum politics

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INTRODUCTION

Since the 1990s, migration and asylum have become highly debated and contested issues in the political and public domain across the Global North. Restrictive asylum policies and anti-migration parties have enjoyed increasing electoral support in many countries. The mobilization and struggles in parliaments and on the streets against asylum-seeking immigration are fundamentally about what was once a privilege of the nation-state, namely the ability to control borders and immigration. Dissatisfied with liberal politics, certain segments of society and political actors have turned to the streets to protest against the admission and the perceived negative effects of (asylum-seeking) migration (Caiani et al. 2012; Rucht 2018; Haselbacher and Rosenberger 2018). At the same time, social and political responses have occurred that reject (further) restrictions of mobility and asylum-related migration. Affected migrants as well as natives from various backgrounds have staged protest events against the exclusion of migrants. As we will highlight in this chapter, within pro-migrant-related protests, it is forced returns of rejected asylum seekers in particular that has triggered resistance (Freedman 2011; Tazreiter 2010; Patler and Gonzales 2015; Rosenberger 2018).

Drawing on both social movement and protest scholarship as well as on critical citizenship studies, we approach the phenomenon of asylum-related protests in this chapter in two ways. Firstly, protest is defined as a form of mobilization to initiate, foster, reverse or prevent change in citizenship/membership rights. Here, protest is a form of direct political participation by organizations, groups or individuals, which seeks to influence a political decision or process perceived as having negative consequences for themselves, another group or society as a whole (Opp 2009). Protesters target individuals or groups that hold power, because these holders of power are (seen as) responsible for grievances and injustices in society and/or are identified as being able to alleviate or dissolve them. As such, protest is about achieving, halting or reversing change (Schaeffer 2014). The scope of change and aims of protests varies considerably. Anti-migration protests invoke the right of state sovereignty and call for stricter border controls in order to limit entry and admission of asylum seekers. In contrast, some pro-migration protests demand the transformation of the foundations of society and political orders, fundamentally questioning the legitimacy of nation-states to erect borders and exclude aliens from entering and obtaining rights. Most pro-asylum protest groups, however, as we underline in this chapter, focus on less far-reaching objectives, such as a change in administrative practices, that is, whether and how regulations are implemented (Hadj-Abdou and Rosenberger 2019a). Secondly, protest is conceptualized and discussed in this chapter as an act viewed as constituting subjectivity and citizenship itself. This understanding is derived from critical citizenship studies, which focus on protest as a process of claiming rights (Isin 2008; Nyers 2007; Nyers and Rygiel 2012; Ataç 2016). In that sense, the key concept of active citizenship used in this strand of research is based upon republican ideas, focusing on protest

as a process, a political act of citizenship, rather than on citizenship as a legal status or as an outcome of state-centric policies establishing rights and duties.

The chapter addresses protests in the field of asylum, including claims both for and against asylum. The aim of the chapter is threefold. Firstly, to provide an overview of protests in the field of asylum. We will look at three types of asylum-related protests: (1) protests against asylum seekers and refugees, mainly by concerned natives, including radical or extreme-right actors; (2) pro-asylum solidarity protests, that is, protests of natives in support of asylum-seeking migrants; and (3) self-organized protests, led by (asylum-seeking) migrants. Secondly, the chapter analyses and discusses dominant ideas of citizenship that emerge in these three types of protests. Here we highlight that whilst pro- and anti-asylum protests have opposing goals, what often unites them is that they both have a tendency to remain within the confines of the nation-state logic: that is, they ultimately reaffirm exclusive concepts of citizenship. Thirdly, the chapter aims look at pro-asylum protests more in depth, by engaging with the strand of research that has captured protests as ‘acts of citizenship’ from below; that is, conceptualizing the participation in protests as a process constituting subjectivity and citizenship. We conclude the chapter by arguing that pro-asylum protests can protect individual migrants. They also constitute powerful ‘acts of citizenship’ from below, but they tend to fall short of producing substantial universal rights for migrants.

CONTEXTUALIZING PROTEST AND CITIZENSHIP

Immigration has risen from a relatively low-level concern into a highly contested and salient issue in public debates from the late 1980s onwards (Grande et al. 2019). The salience of immigration in both society and politics alike is today part of the political *Zeitgeist*, as immigration forms part of a fundamental socio-political dividing line. With rapid globalization – that is, a world shaped by growth in international trade, investment and immigration – a new socio-political cleavage has emerged, pitching losers against winners of globalization (Hutter and Kriesi 2019). The losers of globalization are sceptical of international trade and tend to be concerned by immigration and multicultural societies. In contrast, the winners tend to be in favour of liberal border politics, including international trade, migration and diversity. This societal conflict line, frequently labelled as ‘cosmopolitanism versus communitarianism’ (Strijbis et al. 2018), has manifested itself in the growth of anti-immigrant political entrepreneurs in the parliamentary arena as well as in migration-related protests on the streets. Relying on nativism, radical right-wing populists and extreme-right groups in particular have pitched citizens (‘we, the people’) against immigrants. The ideology of nativism claims that states ought to be inhabited exclusively by natives and that the nation is threatened by aliens. Nativism thus pitches the rights and interests of native inhabitants against those of immigrants (Mudde and Kaltwasser 2017). Especially, the domain of asylum has been an area of contestation in parliamentarian as well as extra-parliamentarian arenas, as it is rife not only with those conflicting ideas, but also with conflicting claims about the legitimacy of asylum claims and the economic and cultural effects of asylum-seeking migration on the receiving countries and societies (Geddes et al. 2020). But at the same time, in line with the two sides of this new cleavage, we have also seen growing protest activities in favour of immigrants.

In light of these developments, this chapter looks at asylum-related protests in Western democracies from a citizenship perspective. Ongoing struggles about immigration and asylum

are about more than territorial border politics: that is, the opening or closing of borders. They are fundamental struggles about citizenship: that is, who belongs to and who constitutes the citizenry. The phenomena of international migration and citizenship are deeply rooted in the emergence of modern nation-states. The regulation of access to state territory was integral to the establishment of state sovereignty in Western nation-states. If there were no such things as nation-state borders, then there would be no such thing as international migration (Zolberg 1989). Linked to its key role in constituting and reaffirming state sovereignty, the control of international mobility is often viewed as a matter of democratic self-determination by modern nation-states. To regulate the admission and stay of foreign citizens is widely understood as an expression of the nation-state's right to define its boundaries in terms of territory and membership; that is, the composition of its citizenries (Song 2019; Miller 2016; see, for a compelling counter-argument, Bauböck 2020). Hence, a main characteristic of migration-related protests is the questioning or the reaffirmation of fixed boundaries of the social and political community. Protests in the fields of immigration and asylum touch upon, albeit to differing extents, ideas of state sovereignty on the one side, and ideas and concepts of universal human rights of the individual on the other. Put differently, they partly mirror and emanate from inherent tensions and conflicts within liberal democracy (see Hadj-Abdou forthcoming): liberal states are required to take civil and human rights into account if they do not want to undermine their legitimacy. These rights are universal and thus apply to individuals irrespective of their citizenship status. At the same time, state sovereignty is about the right to control immigration; only citizens have the unconditional right to access the territory. The logic of national citizenship, unlike that of liberalism, is one of closure (Hollifield et al. 2008).

The fact that immigration touches the very heart of nation-states' self-definition as states is one of the key reasons why immigration is often so heavily contested. This inherent link of immigration and the nation-state is also crucial for understanding why immigration is at the heart of the current dividing line of communitarianism versus cosmopolitanism; a conflict line which reaffirms concepts of exclusive nationhood versus open and fluid concepts of membership (Ellermann 2006; Fekete 2005; Gibney 2009; Wong 2015). Again, asylum-seeking migration, more than other forms of international migration, is related to national sovereignty in a special way: asylum-seeking is a form of immigration that is to some extent beyond the control of nation-states, as liberal democracies have subscribed to international protection regimes, most notably the 1951 Geneva Refugee Convention. By integrating the provisions of the Geneva Convention into national laws or constitutions, liberal nation-states are committed to granting entry to asylum seekers, and to protecting those suffering persecution on grounds of race, religion, political opinion or membership of a particular social group. Refugee status in turn entitles access to a generous range of rights akin to citizenship, including a right to permanent residence. Refugee protection thus challenges sovereign territorially bounded nation-states, not only in their claim 'to control their borders but also in their prerogative to define the boundaries of the national community', that is, the 'demos' (Benhabib 2002: 563). Whilst originally self-imposed through the ratification of international agreements and domestic laws, it does not follow that this 'self-limitation of sovereignty' (Joppke 1998) is not questioned and contested by restrictive-minded governments as well as by segments of society that are hostile to immigration. There have been continuous efforts to weaken norms and procedures of refugee protection, aimed at abolishing or at least significantly reducing the scope for asylum claims. Moreover, governments across Europe have been keen to show that they are stepping up deportations as part of their efforts to crack down on what has been

conceived as ‘bogus asylum-seeking’, and to reassure concerned voters that they act against irregular migration (Geddes et al. 2020).

Against these peculiarities of asylum as a policy area closely connected with the nation-state and the constitution of national political and social communities, pro- and anti-migration protest activities are directly questioning or reinforcing these ideational foundations of modern nation-states.

PRO- AND ANTI-ASYLUM PROTESTS

Since the 2000s, as many Western governments and parliaments have introduced – or attempted to – stricter asylum and deportation policies and practices, protests for the rights of refugees have increased in numbers. In particular, in the wake of the 2015 ‘migration crisis’, types and forms of protest activism have become more salient but also more diverse in their claims. Collective action for and against asylum and the reception of asylum seekers has tried to influence political agendas and decisions in the field of asylum. However, pro-asylum protest activities have increasingly met an environment less favourable for mobilization against state decisions, because large parts of the population have tended to support restrictive policies. According to social movement research, the direction of public opinion has an impact on the potential of resource mobilization and alliance-building between citizens and migrants (Rucht 2018; Haselbacher and Rosenberger 2018; Freedman 2011; Tazreiter 2010; Patler and Gonzales 2015; Rosenberger 2018; Monforte and Dufour 2013).

Looking back over the last 20 years, we can see that scholarship on protest activism in the arena of asylum, as well as migration more broadly, has grown substantively. To systematize and categorize protest activities, Rosenberger (2018) developed a three-tier classification: solidarity protests, migrant-led activism and right-wing restrictionist protests. This classification of protest types differentiates between actors or actor groups, and goals. It classifies protests according to whether the protesters make demands for the expansion or the restriction of rights for migrants. In the following, we use this typology to describe the main characteristics of these protests in the asylum field and to discuss their underlying ideas of citizenship, that is, ideas about the boundaries of the social and political community that define these different types of protests.

Solidarity Protests: Merit-Based Citizenship Ideas

Participants in solidarity protests act on behalf of others. The main characteristic is that they engage for the rights and interests of individuals who, in the case of asylum seekers, live in a situation of social and legal precarity. This is nowhere more so than for asylum seekers whose claim has been rejected and who are consequently in a status of deportability. Solidarity protests emerge in contexts in which those affected by political decisions or processes have limited opportunities and resources to stand up for themselves (Chimienti 2011; Freedman 2009). These activities of political participation and mobilization do not primarily serve the personal self-interests and material gains of the protesters, but are performed in the interest of others and can be viewed as altruistic (Giugni and Passy 2001; Ruedin et al. 2018). What are the main features of solidarity protests in the realm of asylum?

Solidarity protests have occurred to a significant extent at the implementation stage of asylum policy. Deportations of rejected asylum seekers have produced considerable outrage and ignited solidarity activism. Protests have emerged as a response to deportation orders for failed asylum seekers; that is, asylum seekers whose claims were not successful and who were consequently irregularized (Buff 2017). What motivates solidarity protest participants to engage and mobilize? Studies have revealed that deportation orders can stir high levels of resistance if perceived as unjust, and can also lead to a loss of trust of citizens in state authorities (Hadj-Abdou and Rosenberger 2019b). Social relationships, moral principles and ethical considerations all play a key role. Protesters often have social ties to affected immigrants, and are driven by moral norms such as justice and humanity pertaining to others. Their protest communication tends to emphasize values, morality and perceptions of what ought to be done for society to be just and humane (Ellermann 2009). Solidarity protests, moreover, are mainly low-key in terms of protest instruments (for example, non-violent protest tools, only few mass marches).

Protest demands expressed in solidarity protests are also often relatively modest. Put more concretely, given that solidarity protests tend to emerge at the stage of implementation of migration and asylum policies, they often advocate predominantly for change in administrative practices or ask for (individual) exceptions to the rule. In this vein, solidarity protest groups have been able to challenge asylum and deportation practices, but have not raised claims to abolish exclusionary policies or eliminate deportation regimes (Hasselberg 2015; Rosenberger and Winkler 2014).

Finally, solidarity protest networks include a wide scope of ideological backgrounds and range from left-wing grass-roots activists to ordinary citizens. In most cases, these protest groups transcend the usual composition of protest collectivities. Studies have revealed that these types of protests often involve citizens who had never turned to the streets or engaged in any other protest channels before (Hadj-Abdou and Rosenberger 2019a; Probst and Bader 2018). Solidarity protests in the field of asylum often also include young people below voting age, in particular, classmates of deportees (Freedman 2011; Ruedin et al. 2018; Probst and Bader 2018). Solidarity protests thus present an expansion of protest activity to groups with little experience in protesting or, more broadly, in engaging in explicit political activity. Qualitative research tells us that actors who mobilize in solidarity protests do not necessarily come together because they share a similar political ideology or concerns about asylum or migration policies (Mokre 2018). These people primarily join forces in their concern about specific asylum seekers or irregularized migrants (Mokre 2018; Ruedin et al. 2018). Such concern is often rooted in personal ties or empathy with a specific individual (or individuals). Persons joining solidarity protests can be composed of a variety of people, from the local priest to the football coach to a neighbour (Ellermann 2009; Tazreiter 2010).

These insights from qualitative studies contrast to some extent with quantitative research results on individual attitudes of those who engage in political action supporting asylum seekers. Results by Maggini and Fernandez (2019), for instance, suggest that protesters who stand with refugees and/or asylum seekers tend to hold progressive values and have relatively high educational backgrounds. Solidarity with refugees, these authors conclude, relies strongly on education as well as libertarian and leftist political preferences. We suggest that one way to combine results from quantitative and qualitative research is to understand protests for individual migrants as critical moments in which underlying values and worldviews become activated and people become politicized (Hadj-Abdou and Rosenberger 2019a). Whilst mobi-

lization for (failed) asylum seekers often emerges out of compassion for individuals, over time protesters tend to develop grievances that exceed dissatisfaction over individual cases (ibid.). Engagement for individual persons and close interaction with people affected by migration regulations hence can effectively result in dissatisfaction with restrictive policies and the political authorities that are responsible for them (ibid.).

What kind of citizenship ideas are embedded in these migration-related protests? In connection with the fact that solidarity protests often occur to mobilize for the inclusion of a specific migrant (or migrants), arguments of ‘deservingness’ have been observed to play a key role in solidarity protest campaigns (Ellermann 2009; Patler and Gonzales 2015; Rosenberger and Winkler 2014). Put bluntly, campaigners ask for the right to stay in the country not in terms of an absolute right but in terms of a conditional right. Protesters demand that certain individuals should be allowed to stay as a legitimate exception to the rule; an exception for a ‘few who are deemed worthy’ (Probst and Bader 2018). Arguments such as ‘deservingness’ do not emerge in a void. Instead, it makes sense to understand them as a discursive protest strategy to garner support for the protest cause and to disarm opponents. Irrespective of whether they are instrumental or not, such arguments, however, entail a specific idea of who constitutes the ‘good citizen’ and under which premises someone should be included in the national community. In the case of deservingness, citizenship is conceptualized as merit-based. Aliens can be included, but they have to exemplify quasi ‘ideal citizens’ who have proven to be worth of inclusion first. This prescribes a strong individual duty upon immigrants for earning their membership. As membership confers entitlements, it is always tied to certain conditions, that is, individual duties. In the case of ‘deservingness’ citizenship, however, the main emphasis is put on these individual duties. Put differently, citizenship in that case is linked to prior successful and visible efforts by migrants making a case for inclusion (Paoletti 2010). We thus label the citizenship concept that manifests itself in solidarity protests as the merit-based or earned-citizenship concept.

Migrant-Led Protests: From Post-National to More Closed National Citizenship Ideas

Irregularized migrants and (failed) asylum seekers have also taken to mounting considerable protests. They have been vocal in protests against deportations, demanding their inclusion into the social and political fabric of their receiving societies and calling for freedom of movement. Well-discussed examples include the *sans-papiers* movement in France (McNevin 2006), A Day without Immigrants in the United States (Heiskanen 2009), the Refugee Camp Vienna in Austria, as well as refugee protests in several cities in Germany (Odugbesan and Schwirtz 2018; Mokre 2018). Parts of the scholarly literature and activists alike have used the term ‘self-organized protest’ to describe the political mobilization of migrants to lobby for legal and social rights (Ataç et al. 2016). However, other scholars question this conceptualization of self-organization. Following the resource model approach in social movement studies (Opp 2009), scholars have pointed out that protests also require infrastructural resources, which migrants with precarious status tend to lack. Indeed, the status of migrants as non-citizens, including insecure residence status, makes involvement in protest – which implies becoming visible while demanding rights – risky and costly. Since collective action requires various resources (Chimienti 2011), migrant-led protests usually consist of both citizens and non-citizens. Refugees with insecure legal status are often joined by citizens with secure status. Across these different legal statuses, people engage, build coalitions and organ-

ize protest activities to put pressure on state authorities to modify policies and/or practices. Notwithstanding the support of status citizens in these struggles for membership and inclusion, asylum seekers have transformed themselves into visible political subjects (Ataç et al. 2016). Consequently, Tyler and Marciniak (2013: 143) argue that ‘refugee activism has become a significant political force in its own right’. Civil disobedience and hunger strikes have been frequent means employed by irregularized migrants to raise awareness and to resist their own deportation.

Claims within migrant-led protests include a range of demands, from ‘legalization for all’ and campaign slogans such as ‘no human being is illegal’, to claims on a case-by-case basis (Chauvin and Garcés-Mascareñas 2014: 427). At one end of the spectrum (exemplified by the ‘no human being is illegal’ slogan), protests are guided by a post-national idea of citizenship, demanding equal rights for anyone *qua* their status as humans, not as citizens of a nation-state (Soysal 1994). At the other end of the spectrum, we see that ideas of national citizenship are upheld and reaffirmed by demands for the expansion of rights in specific cases only (Probst and Bader 2018). Like in solidarity protests, the topos of deservingness is an important component in successful mobilization within these types of protests too. An illustrative example is the migrant-led Dreamers Movement in the United States (US), which largely based its mobilization upon an appeal to American inclusive nationalism by emphasizing that they ‘deserve’ to stay in the country because of exceptional merits (Weber-Shirk 2015).

Similar to solidarity protests, in the case of migrant-led protests the deservingness argument is powerful and has yielded important results at policy level for the protection of irregular migrants (Nicholls et al. 2016). During his time in office, for instance, President Barack Obama released executive orders that granted temporary relief from deportation (deferred action) and work permits for certain unauthorized groups of young people brought to US as children. When introduced by the US government, the policy was presented as providing hope for ‘talented, driven, patriotic young people’, emphasizing that protection was based on merit (Weber-Shirk 2015).

The strength of the deservingness argument is related to the fact that it strongly resonates with current economic logics and perspectives on society that emanate from it. Scholarship on migrant protest, and more broadly on migration and integration politics (e.g., Joppke 2019), has highlighted that the deservingness argument mirrors important shifts in the economy. The idea of deservingness is perfectly aligned with the neoliberal concept of the citizen as a self-reliant and responsible individual.

Restrictionist Protest against Asylum Seekers: Communitarian, Nativist Ideas of Citizenship

Asylum, however, is also a field characterized by restrictionist protests. These types of protests have mobilized mostly against the reception and accommodation of asylum seekers in specific localities (Haselbacher and Rosenberger 2018; Rucht 2018). In the wake of increasing arrivals of asylum-seeking migrants, many of whom are from war-torn Muslim countries such as Syria, Afghanistan and Iraq, radical as well as extreme right-wing initiatives have been growing and have mobilized in the streets in large numbers (Vorländer et al. 2018). A paradigmatic example is the so-called Identitarian movement, today a transnational global, anti-migration movement (Murdoch 2018).

There is considerable ideological variety in restrictionist protest groups (Castelli Gattinara and Pirro 2019), but they share similar goals. These protest groups have been opposing the entry and reception of asylum seekers and have aimed to stop decision-makers from taking in (more) asylum seekers. The interesting feature of many of these movements and protest groups is that they do not necessarily, or not exclusively, rely on traditional ethno-nationalist or nativist ideas of exclusion (Brubaker 2017). Instead, many identify as ‘ethno-pluralist’; that is, they emphasize that they do not oppose ethno-cultural differences, instead they claim to be in favour of those differences, at the same time underlining the irreconcilability of these differences (see Identitarian Movement 2019). Moreover, in some cases restrictionist protest groups also rely on ‘illiberal liberalism’ or what has been also labelled as ‘Schmitterian liberalism’ (Adamson et al. 2011). This is the idea that some (immigrant) cultures contradict liberal universal values and thus have to be excluded. Rather than mirroring a substantive commitment to liberal values, the reference to these values is instrumental for legitimizing the exclusion of immigrants (Hadj-Abdou 2017).

Overlaps and strong interlinkages between institutional and non-institutional actors are a major aspect of the restrictive protest networks (Minkenberg 2019; Rucht 2018). The claims and arguments of right-wing restrictionist protest groups not only often correspond to demands and ideas of anti-immigrant political parties and vice versa, but political party actors also interact strategically with protestors and join protest activities. The involvement of political actors adds significant resources to the expression and effectiveness of protest activities against immigration and asylum (Haselbacher and Rosenberger 2018).

Which concepts of citizenship are embedded in restrictionist protests? Anti-migration protests and social movements ultimately aim to prevent the inclusion of (certain groups of) migrants into the national or local community, and the acquisition of rights akin to citizens. They tend to be driven by a strong communitarian understanding of citizenship. Citizenship is seen as a form of ‘naturally belonging’ to a national community. Opposing liberalism, communitarians claim that it is not individual rights that are worth protecting, but the community, since communities provide the basis for a meaningful life. Membership thus relies on belonging to or strong identification with a specific community. Communities, in turn, are understood as ‘communities of fate’, united by a common past and a vision for the future. Communitarians usually understand ‘community’ as defined by a common culture (along parameters such as a common language, values, norms and religion) which forms the foundation of the political community, the demos (Van Oers 2014: 38).

Having provided an overview of these three types of protest activism, we will now take a closer look at pro-asylum protest activities by engaging with the perspective of acts of citizenship from below, and address the question of whether protests in the field of asylum create substantive legal rights for immigrants.

CONSTITUTING CITIZENSHIP THROUGH ACTS

Participation in protests can be conceptualized in two ways. On one side, there is the instrumental component of participation, which means that protest is a tool to directly influence political actors and governmental decision-makers. We have touched upon this instrumental dimension in the previous sections. Then there is the intrinsic component of participation, which means that participation itself is an expression of political subjectivity or even of being

a citizen. Rooted within the republican tradition of thought, political participation is here understood as a deeply meaningful activity that constitutes or enacts membership in a community or a polity (van Deth 2014).

This intrinsic perspective on participation is prominent in critical citizenship studies, which investigate struggles of different vulnerable groups for rights from a citizenship perspective. Critical citizenship studies provide a framework for discussing migrants' activism as transforming the positions of migrants in terms of membership. They focus on the social and political responses to restrictions on mobility and rights that may change restrictions imposed by national and state-centred conceptions of political community (Nyers and Rygiel 2012; Tyler and Marciniak 2013). Scholars following a critical citizenship perspective and focusing on protests by non-citizens use the term 'active citizenship' to describe processes of (collective) engagement from below. Active citizenship is defined 'as a social process through which individuals and social groups engage in claiming, expanding and losing rights' (Isin and Turner 2002: 4). Nyers and Rygiel (2012: 2) define collective acts as 'various strategies of claims-making, [through which] non-citizen migrant groups are involved in practices and ways of engaging in citizenship even when lacking formal citizenship status'. The concepts of 'activist citizenship' and 'citizenship from below' put the focus on 'what people do'. The activist citizenship strand of research has empowered and strengthened a conceptual turn in citizenship studies towards the study of processes and practices, rather than limiting the focus to legal statuses. From this perspective, migrants transform themselves into citizens by enacting citizenship through participatory practices such as protests.

The citizenship from below approach has great value as it enlightens us on the meaning and effects of protest on those who take up protest instruments. Protesters act as political subjects who perform participation rights and who enjoy a certain degree of self-empowerment and establish subjectivity. Protest reflects and enhances the autonomy of migrants. This approach acknowledges the agency of migrants, as opposed to the dominant view on migrants as victims (Walters 2008). As Isin (2009: 371) notes, subjects who are not citizens often act as such, as they constitute themselves as citizens 'with the right to claim rights'.

Whilst such a perspective on protests is of great value in itself, we also have to take into account the causes and conditions that enable or limit protest activities by migrants. First of all, the potential to perform active citizenship requires a liberal political framework within national state democracies. It relies on, or at least is greatly facilitated by, the existence of a liberal setting in which people, citizens and non-citizens alike, are allowed to turn to the streets and publicly voice their claims. Based on such a liberal framework, which guarantees fundamental rights for all, migrant protesters, especially those without legal status, are able to make their claims heard (Ellermann 2009).

Based on this institutional precondition, a large body of work in protest and social movement studies identifies further major conditions that enable or support practices of citizenship from below. Firstly, there is the political and discursive opportunity approach (Tarrow 1998; Koopmans et al. 2005). As this important body of work has taught us, carrying out acts of citizenship depends on favourable institutional and structural opportunities of the state in which the protest takes place. An example would be an established protest culture in which extra-parliamentarian activities are encouraged, or at least viewed as legitimate. Then, secondly, there is the resource mobilization approach in social movement studies, which has highlighted that protest emergence is dependent on the mobilization of material and symbolic resources. With regard to protest activities in the field of asylum and deportation, the forma-

tion of alliances, linkages and support by people with legal citizenship is crucial. Both types of protest, solidarity as well as migrant-led ones, rely on the capacity to build alliances between migrants and citizens who possess material and symbolic resources. In particular, migrant-led protest movements, which lack resources to mobilize, are dependent upon external support, facilities and access to authorities and the media (Mokre 2018). Another component are relational resources, such as personal ties and networks, which increase the chances of protest mobilization of citizens and non-citizens alike (Jasper 2007; Freedman 2009; Rosenberger and Winkler 2014). Often, social ties come with positive and negative emotions. Emotions such as outrage or anger, or moral feelings of justice and social ties, can be preconditions and driving forces of activism. Scholars have shown that social ties and feelings that inspire mobilization are especially relevant for solidarity protests and for building alliances within migrant-led protests. The scope of mobilization and alliance-building within solidarity movements thus often relies on personal ties and emotions linked to these ties (Rosenberger and Winkler 2014).

As mentioned above, scholars of critical citizenship studies (e.g., Isin 2008) propose the concept of activist citizens, which expressly turns away from citizenship as a legal status and focuses on ‘acts of citizenship’ instead. The notion of ‘acts of citizenship’ refers to processes and disruptive and performative dimensions of collective action. However, the question that remains unanswered is: how far are pro-migration-related protest not just about disruption but also able to produce substantive rights through such acts from below?

In the sections above, we have highlighted that pro-asylum protests may successfully protect individual migrants or migrant groups, and delay or prevent deportations. We have also shown that if we understand protests as acts of citizenship – that is, approach citizenship as an activity – we can theoretically overcome ideas of conceptualizing migrants exclusively as victims, as marginalized and deprived of rights. But do acts of citizenship – that is, protest activities – also have a tangible impact in terms of substantial legal rights for (asylum-seeking) migrants? Empirical studies of migrant-led and solidarity protest movements against deportation of failed asylum seekers identify their political impact in several regards. Without doubt, as protest movements raise political counter-voices, they have an impact on the public agenda and, most of all, they have an impact at the level of policy implementation. For instance, solidarity and migrant-led protest may prevent the implementation of a deportation, as we have outlined above. However, consequences of pro-asylum protests on the political and social order as well as on legal asylum and return policies are rather modest. These types of protests do not affect legal changes in asylum and return frameworks, and often do not even attempt to. Instead they tend to modify implementation practices (Probst and Bader 2018; Kirchhoff et al. 2018). As Anderson et al. (2011) have argued, solidarity protests for individual migrants thus are a double-edged sword. While these protests expand the boundaries of community by claiming to include some individuals who have no legal right of residence, there is less evidence that those who engage in solidarity movements for individuals explicitly challenge the greater underlying norms and ideas that enable deportations, that is, the right to remove foreign citizens from national territory. In some sense this self-imposed restraint can be understood as a deliberate tactic of protesters to broaden protest networks and make their claims more suitable to be taken up by decision-makers, in the hope to achieve the primary goal of protecting specific individuals from deportation (Hadj-Abdou and Rosenberger 2019a). Substantive policy change as a consequence of pro-asylum protests is indeed rare.

Another limitation for acts of citizenship by migrants is the situational and temporal character of such protest. Tyler and Marciniak (2013: 149) point out that protesters are “‘outside

of politics” in any normative sense’, but ‘are able to act in ways that allow them to (temporarily) constitute themselves as political subjects under sometimes extreme conditions of subjugation’.

CONCLUDING SUMMARY

This chapter has linked debates on asylum-related protests with those on citizenship. Covering theoretical and conceptual aspects as well as findings from empirical studies, it has drawn together insights from social movement and protest research as well as from (critical) citizenship studies. Distinguishing between acts-based and rights-based perspectives on citizenship, the chapter has taken into account both the meaning of participatory acts in asylum-related protest events, and the effects that protests may have in terms of substantive rights.

Distinguishing between different types of protests (solidarity pro-asylum protests, migrant-led pro-asylum protests, and restrictive anti-asylum protests), the chapter has identified three major concepts of citizenship that surface in protest activities: merit-based citizenship, post-national citizenship and communitarian citizenship. These citizenship concepts vary strongly in terms of how they relate to state sovereignty, either confirming or questioning it. Based on these different citizenship concepts, protest activities also differ in terms of the scope of rights claimed.

The chapter has highlighted that not only restrictive protests featuring communitarian concepts of membership, but also pro-asylum protests, exhibiting merit-based citizenship concepts, tend to reproduce boundaries between insiders and outsiders. Protesters are mobilizing for the inclusion of aliens based on their demonstrated potential to be ‘exceptional citizens’, prescribing a strong individual duty upon immigrants for earning their membership. Merit-citizenship-based mobilization, the chapter has noted, has yielded some success, though, in protecting failed asylum seekers from deportation. The chapter has hence emphasized the importance of the nation-state and ideas of national membership for mobilization in the field of asylum.

Whilst protest activism in the field of asylum can reaffirm boundaries, it also blurs lines between citizens and aliens. Both groups cooperate and engage in the public sphere: aliens raise their voices, citizens support aliens’ activities, hence easing the tight boundaries of nation-bounded communities. In particular, protest activism strengthens the autonomy of migrants, as highlighted in scholarly accounts on citizenship from below. But protests in the field of asylum also manage to reach out to and engage groups of citizens who have not been politically active before, beyond voting activities. Studies show that solidarity action for specific migrants in particular tends to include individuals with little previous engagement in non-institutionalized forms of participation. In this way, protesting is relevant not only for aliens, but also for legal citizens. Protesting transforms passive citizens into active participants in the public sphere.

The chapter has discussed the strengths of the theoretical perspective of ‘citizenship from below’, related to its emphasis on self-representation and the establishment of political subjectivity of migrants. Through the lens of this theoretical perspective, the idea of vulnerability is also captured in a more comprehensive way. It is an expression of the lack of rights (irregular) migrants suffer, but it can also be a source for mobilization and agency to express dissent with restrictive migration law and practices.

Despite the strengths that citizenship from below approaches demonstrate, they also have limitations. This chapter has voiced some critical remarks on the one-sided perspective on citizenship as a participatory practice. As empirical studies in the field underline, acts of citizenship from below staged by irregular migrants have only limited effects on constituting substantial rights. Moreover, successful mobilization that can lead to some expansion of rights relies on the existence of coalitions and alliances with individuals having social resources such as citizenship status. In line with this argument, it is particularly solidarity protests (compared with migrant-led protests) that can have an impact in terms of securing some kinds of protection and inclusion for (failed) asylum seekers. However, these protests mainly achieve protection for specific migrant groups, and address implementation practices as opposed to more substantial changes of migration and deportation regimes.

Whilst asylum-related protests have important consequences (especially for individual migrants) and are meaningful in producing citizenship from below through participatory processes, they are less successful in helping to create substantial (legal) citizenship rights. There remains a considerable gap between citizenship acts and citizenship rights.

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