

## Citizenship

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### Abstract

As a result of increased mobility and restrictive immigration policies in Europe, a growing number of people live in conditional and deportable positions with only limited social rights and access to welfare services. In this keyword, we discuss how the conception of national citizenship that underpins immigration and welfare regimes affects the position of non-citizens, with a particular focus on legal status as an instrument of hierarchisation and social marginalisation in European societies. Immigration systems create hierarchies and divisions by establishing different legal statuses for non-citizens, with wider implications for their position in society. Legal status has become a significant factor in social exclusion and marginality in European societies, intersecting with race, class, gender, and ethnicity to (re)produce social disadvantages. At the same time, migrants' struggles are situated along the same historical continuum as other previously excluded and marginalised groups, revealing inherent contradictions related to citizenship in modern nation-states and challenging the boundaries of citizenship from the inside.

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**Key words**

citizenship, immigration control, legal status, naturalisation, social rights

**Introduction**

Immigration constitutes a significant challenge for European welfare states that aim to control non-citizens' movement and settlement and limit public services and social protection to their recognised members only. While citizenship as a legal status is often considered a key principle in regulating access to welfare state services in social policy research, non-citizens enjoy many social rights in the host society long before becoming naturalised citizens (Sainsbury, 2012). European immigration policies are, however, characterised by an increasing hierarchisation of rights between EU/EEA citizens and citizens of non-EU countries, as well as different legal categorisations of humanitarian, labour, student, and family migrants among the latter. Consequently, non-citizens' residency periods, alongside access to the labour markets, social security, and citizenship, depend on the assigned legal statuses connected to their grounds of movement. At the same time, immigration law does 'the dirty work' of excluding many poor non-citizens from permanent residency, citizenship, and their ensuing privileges (Dauvergne, 2008: 123).

In this keyword, we discuss how the legal status of national citizenship that underpins welfare regimes complicates the treatment of non-citizens. Our focus is on the relevance of legal status as an instrument of hierarchisation and social marginalisation in European societies. Notwithstanding the widely recognised intersection of factors such as race, class, gender, and ethnicity in (re)producing social disadvantages (Crenshaw, 1991), the legal (citizenship) status has often been neglected in intersectional analysis (Damsa and Franko, 2023). Moreover, rather than being another marker of difference, a conditional legal status restricts opportunities for full participation in society at the structural level (Bosniak, 2006). While different immigration and welfare regimes and policy priorities in European countries complicate straightforward conclusions, immigration systems generally (re)produce social marginality and exclusion by differentiating access to welfare services and social security and keeping non-citizens as deportable subjects.

We begin by focusing on the historical development of citizenship as a legal status and then continue to discuss in more detail non-citizens' differentiated access to welfare services and the different preconditions for the acquisition of citizenship, while also addressing various intersecting factors of difference. We conclude by highlighting the ongoing relevance of political struggles for citizenship.

## Contested citizenship

Citizenship commonly refers to both belonging/membership and to the subject of rights in a political community (Brubaker, 1992; von Rütte, 2022). These two dimensions of membership and rights are regarded as overlapping and coexisting: ideally, all members in a political community are citizens who possess equal rights. In theory, modern nation-states consist of three key coinciding elements – territory, authority, and people/nation (Arendt, 1973; Sassen, 2006). By default, and to reproduce this nation-state system, membership in a nation-state is acquired through birth, whether through the citizen status of one or both parents (*ius sanguinis*) or the place of birth (*ius soli*). Reflecting the reality of migration and of the presence of non-citizens on national territories (who are not necessarily migrants), nationality laws regulate the different ways in which non-citizens can acquire nationality later in life, through residency, marriage, ‘honorary’ or economic citizenship. Nonetheless, the institution of national citizenship inherent in the nation-state system has been criticised for being rooted in ‘postcolonial racism’ and underpinned by an ‘autochthonous worldview’ whereby each ‘people’ or ‘nation’ has its own place in the world (Sharma, 2022: 639; see also Balibar and Wallerstein, 1991; Brubaker, 1992; Malkki, 1992). Accordingly, only the members of such ‘nations’ ought to be citizens and ‘accorded state-granted rights and entitlements, marked by their inclusion into the institution of national citizenship’ (Sharma, 2022: 639).

In sociology, the function of citizenship as an instrument and object of social closure is often highlighted, meaning that citizenship conditions access to certain rights, and access to citizenship is itself conditioned (Achermann and Gass, 2003; Brubaker, 1992). Consequently, political communities are imagined as being ‘hard on the outside, soft on the inside’ (Bosniak, 2006: 4), where all citizen-members enjoy equal rights and the exclusion of non-members takes place at the outer edges of the community. Citizenship embodies a commitment against subordination and creates equality and solidarity among members through undifferentiated rights and access to public services, which non-citizens can access only by fulfilling established criteria. Therefore, citizenship functions as an instrument of exclusion and subordination against non-members both externally and internally: first, by restricting and conditioning entry of non-citizens to the national territory, and second, by limiting or denying their access to the rights and services provided by the state of residence.

Despite the strong cohesive ideals embodied in the institution of citizenship providing equal rights as a birthright privilege for all members, ‘the legal status of citizenship does not in itself guarantee equality’ and the promise of equality among citizens has and continues to be more of a ‘fantasy’ than a

reality (Anderson, 2015: 187). Historically, only a minority of members in a political community have been considered citizens possessing political rights. From ancient polis to modern states long after the French Revolution, citizenship was reserved only for free, property-owning males, designating a privileged position in the society in which a large share of members – women, workers, poor people, and ethnic, racial or religious minorities – were at best considered ‘passive citizens’ without full political rights (Isin, 2002; Sassen, 2006). Political struggles have played a key role in the expansion of citizenship: new categories of subjects (proletariat, women, ethnic and racialised minorities, etc.) have been incorporated as citizens, while the substance of citizenship has grown through the introduction of new economic, social and cultural rights (Balibar, 2015; Isin, 2002; Marshall, 1950). In other words, citizenship has essentially been a site of social and political struggles ‘between citizens (and non-citizens) and polities to which they belong or by which they were appropriated or even subjugated’, thereby simultaneously representing ‘class, gender, race, and other struggles’ (Bassel and Isin, 2022: 361).

Legally, citizenship designates the relationship between an individual and a state: citizens have obligations towards the state and in turn are entitled to its protection and services (von Rütte, 2022). At the same time, citizenship is also an instrument for the organisation of social relations between the state, markets, and civil society (Balibar, 2015; Somers, 2008). Social rights, in particular, have become a key manifestation of citizenship rights following the development of the welfare states that have largely replaced social protection organised around families, communities, and parishes in Western countries (Castel, 2017). Labour struggles have played a crucial role in the development of social citizenship, which represents a social compromise between the working class and the capitalist class in Europe after the Second World War. Welfare services and social security mitigate the vulnerabilities and inequalities caused by capitalism, and the expansion of the market economy was accepted in return for improvements in labour conditions and comprehensive social protection (Castel, 2017; Esping-Andersen, 1990; Korpi, 1983; see keyword ‘Welfare State’). Therefore, social citizenship is based on the idea of ‘worker-citizens’, whereby all citizens are assumed to be workers and contribute to the collective social insurance system (Marshall, 1950).

To understand how exclusion and inequality are (re)produced in European states, citizenship, immigration, and welfare regimes must be explored together. By creating structurally disadvantaged legal positions and racialised subjects, immigration law undermines equality and liberty as the normative basis of citizenship in liberal democracies (Salomon, 2020; Sharma, 2022). Racialised immigration subjects may become citizens but their incorporation into the nation-states is in many cases tenuous: their (or their parents’) past migration informs public opinion and their treatment by state institutions,

employers, or landlords, and they become what Jean Beaman (2017) calls ‘citizen outsiders’. Moreover, in contrast to the universal and progressive tendencies affiliated with citizenship, the immigration system establishes new hierarchies and divisions within the national territory by regulating non-citizens’ residency and their access to basic rights (Anderson, 2015; Balibar, 2015; Könönen, 2018a; Rigo, 2005).

## **Non-citizens’ differentiated access to rights**

The immigration process is legally imagined as proceeding linearly from entry to citizenship, with non-citizens’ rights increasing as residency time accumulates. Temporariness has been the key justification to limit non-citizens’ rights and access to welfare services: long-term permanent residents should be entitled to similar or equal rights as citizens, whereas temporary visitors’ access can be restricted to minimum services only (Bosniak, 2006). From the perspective of nation-states, the exclusion of (temporary) migrants mostly relies on the idea that social rights are privileges reserved for a solidarity group of racialised national worker-citizens who have contributed (through paying taxes or insurance premiums) to the common welfare and share a common (nationally framed) identity (see keyword ‘Solidarity’). Yet, states actively complicate non-citizens’ access to the social security system by regulating and restricting their residency, for example, by advancing different kinds of circular labour migration schemes for seasonal and other temporary workers limited to short-term employment only (Manolova, 2022). Immigration laws also modify the residency status of non-citizens by establishing legal fictions of ‘temporary residency’ for some groups (e.g., students or labour migrants), which justifies their exclusion from the social security system and complicates their access to permanent residence and citizenship (Könönen, 2018a). Ultimately, the extent of non-citizens’ social and economic rights is dependent on their assigned legal status instead of their factual residence time.

The regulation of immigration does not function based on a simple binary division of citizens/non-citizens, or members/non-members: increasing numbers of non-citizens live for years, or even their entire lives, in conditional positions at the intersection of universal and exclusionary norms inside society (Bosniak, 2006), with limited access to social security depending on the national immigration and welfare regimes. Non-citizens’ inclusion in social protection systems varies, depending on a combination of factors, such as their economic contributions, length of residence, and vulnerability. For example, even irregular migrants are entitled to urgent medical and basic social assistance (Hermansson et al., 2022). Other groups, such as refugees, family migrants, and high-skilled workers can, from the beginning of their

residency, have access to the social and economic rights that are essentially considered to be citizenship rights (see Könönen, 2018a).

The intersection between citizenship, immigration and welfare regimes creates a complex system of differentiation in which some non-citizens are more foreign than others (Balibar, 2002). Immigration systems are characterised by differential inclusion and the hierarchisation of rights depending on citizenship and the assigned legal status related to the reason for migration (Goldring and Landolt, 2011; Könönen, 2018a; Mantu and Minderhoud, 2023; Morris, 2002). Ultimately, non-EU citizens enjoy more limited access to the labour market, family reunification and social services depending on the different legal statuses allocated for student, labour, family, and humanitarian migrants, reflecting and reproducing global and racialised mobility hierarchies. These conditional legal statuses can have a significant impact on non-citizens' labour market trajectories, their positions in the resident society, and their possibilities for naturalisation (Goldring and Landolt, 2011; Könönen, 2019).

The class-based differentiation in the governance of migration is evident in visa policies as well as entry and residence requirements (see keyword 'Welfare Governance'). Immigration systems aim by default to prevent non-citizens from becoming dependent on the social security system by requiring proof of self-sufficiency as preconditions for visas and residence permits, therefore targeting mobile poor populations in particular. At the same time, EU visa policies involve a colonial and racialised logic because mobility restrictions target predominately citizens from developing and Muslim countries (van Houtum, 2010). Furthermore, specific requirements apply for some residence permit categories: for example, students might need to acquire private health insurance. In general, non-citizens' rights become increasingly tied, both directly and indirectly, to wage labour: a failure to fulfil the income requirements or termination of employment can result in the loss of residence rights, whereas high-income requirements for family reunification make family life contingent on the salary level. Moreover, labour migrants' access to the social security system is dependent on having been employed for a specified period (Corrigan, 2014; Könönen, 2018a; Shutes, 2016).

Furthermore, the conditional legal statuses they enjoy and their deportability (de Genova, 2002; Sayad, 2004) make non-citizens subject to immigration controls and bordering practices inside society. In a way, borders follow migrants inside the state: border controls have been deterritorialised from external borders and dispersed to various public and private institutions and throughout the urban space (Balibar, 2002; Könönen, 2018b; Yuval-Davis, Wemyss and Cassidy, 2018). Consequently, state and non-state actors can act – intentionally or not – as border guards towards non-citizens, for instance by requiring a person to prove their identity and by reporting them to immigration authorities. Social services have become a key instance of bordering

involving punitive and racialised practices (Ataç and Rosenberger, 2019; Dickson and Rosen, 2021; Giansanti, Lindberg and Joormann, 2022; Guentner et al., 2016). For example, in Switzerland, welfare-related services are obliged to inform migration authorities if a non-citizen receives support. As a consequence, the person's residence permit (including permanent residence) may be revoked, thereby demonstrating the unequal position of poor individuals, depending on their citizenship status (Achermann et al., 2023; Pfirter, 2019; see keyword 'Suspicion and Surveillance').

Legal hierarchisation operates alongside other markers of difference and their intersectionality creates different opportunities and social protections for non-citizens. For example, while EU citizens enjoy freedom of movement, unrestricted access to labour markets, and facilitated paths to permanent residence and the social security system, their lived experiences are nonetheless structured by social class, race, ethnicity, and gender (O'Brien, 2015; Mantu, 2021; see keywords 'Banishment' and 'Welfare Governance'). Aleksandra Lewicki (2023) describes Eastern European citizens as simultaneously racialised as Eastern Europeans within Europe and positioned within global racialised categories of 'Europeanness'. Internal bordering and policing practices also involve racialised and gendered logics in targeting risk groups and presumably dangerous individuals (Parmar, 2019) and seeking to ensure the reproduction of the nation by managing 'proper/improper sexual, familial, and economic relationships' (Turner, 2015: 624).

## Regulation of citizenship

In addition to the rights of non-citizens, immigration systems regulate the possibilities and terms for accessing membership in a political community, making citizenship an object of social closure (Brubaker, 1992). Eligibility criteria for citizenship usually involve a period of legal residence (for example, five years in Finland, eight years in Germany, ten in Switzerland), sufficient proficiency in a local language, integrity (no serious criminal offences), and a demonstration of financial self-sufficiency or means of support (von Rütte, 2022). The fact that the legal process for obtaining citizenship is called 'naturalisation' indicates the status of citizenship as a 'natural' state in a political community (Sayad, 2004), according to an 'autochthonous worldview' (Sharma, 2022). Conversely, mobile people are considered to be an anomaly in the natural order of nation-states and its related sedentarist metaphysics (Malkki, 1992; see also Dahinden, 2016; Khosravi, 2010).

Naturalisation matters because citizenship in Western countries provides exclusive political and social rights, privileged mobility opportunities in the global world, as well as protection against deportation and the right to return to one's country of citizenship (Shachar, 2009; von Rütte, 2022).

Although citizenship designates full membership in the national society, it is noteworthy that immigrants often acquire social rights before political rights and citizenship (Sainsbury, 2012). In many EU countries like Finland, permanent residency status is the key threshold since, in practice, it provides equivalent social rights to citizenship. Moreover, family migrants and refugees usually have direct access to welfare services and the social security system, similar to citizens.

Like immigration policies, citizenship acquisition via naturalisation involves discriminatory elements concerning applicants' socioeconomic status. In addition to immigration policies excluding many groups from permanent residency and citizenship (Dauvergne, 2008), naturalisation processing fees of up to several thousand euros (Stadlmair, 2018) and related indirect costs (for example, acquisition of formal language skill certifications) complicate low-income migrants' access to citizenship. Moreover, in countries such as Switzerland, national legislation directly excludes persons who have received social assistance from naturalisation unless they have fully reimbursed the benefits. By contrast, in Finland, recourse to social benefits does not prevent immigrants from obtaining citizenship, even if they are obliged to provide a reliable account of current and past sources of income.

At the same time, citizenship through investment and 'golden visa' schemes in countries such as Malta and Bulgaria have provided expedited access to citizenship for wealthy people (Carrera, 2014; Shachar and Bauböck, 2014). The facilitation of movement for talented and wealthy migrants or specific categories of refugees, and the simultaneous hardening of border controls for asylum-seekers and undocumented migrants, represent a neoliberal and often racialised rationality of governance (see keyword 'Welfare Governance'). The proliferation of citizenship-by-investment schemes is therefore more than a simple commodification of citizenship: 'their effect is to rewrite the underlying principles of citizenship – reciprocity, equality, and solidarity – in economic terms' (Mavelli, 2018: 482). The opening up of liberal citizenship regimes to global capital leads to what Aihwa Ong (1999) refers to as 'flexible citizenship', since it allows business elites to bend immigration and naturalisation codes in ways that less wealthy and marginalised migrants are unable to do.

The regulation of immigration and citizenship also affects citizens, blurring the distinction between citizens and non-citizens. For example, intimate ties to an undesirable migrant can prevent citizen women from operationalising the privileges of their citizenship status and transform them into 'failed citizens', whose belonging, character, and worthiness are questioned in similar ways to their deportable partner (Griffiths, 2021). Likewise, citizens who struggle to live up to neoliberal ideals of financial self-sufficiency and self-reliance (see keyword 'Welfare Governance') and those whose allegiance is questioned due to their ethnicity or minority status are most harmed by family reunification policies, leading them to re-evaluate their own

understanding of belonging and citizenship. Their experiences as second-class citizens highlight intersecting hierarchies within citizenship itself (Beaman, 2017; Odasso, 2021).

## Conclusion

Migration – in particular the mobility of poor people – has always represented a significant concern for nation-states, both regarding the boundaries of citizenship and access to public resources (e.g., Castel, 2017; Noiriel, 1991; see keyword ‘Banishment’). Anti-immigration and racist discourses on welfare abuse, welfare dependence, criminality, and cultural differences have yet again become widely used to justify deportations as well as to tighten access to social security and citizenship for non-citizens. Furthermore, the COVID-19 pandemic has highlighted the increased vulnerability of ethnic minorities and migrants due to their legal status, socioeconomic conditions, and xenophobia (Guadagno, 2020). The introduction of travel bans and restrictions to fight the pandemic also highlighted the important legal differences between citizens and non-citizens.

Non-citizens are by default conditional and deportable subjects, who are only partially incorporated into the rights and protections of citizenship. At the same time, many irregular or temporary migrants participate actively in the labour market as well as in cultural, civic and political life in host societies, representing the idea of ‘active citizens’ irrespective of their legal status (see Isin and Nielsen, 2008; Sassen, 2006). One of the purposes of the welfare state has been the ‘decommodification of labour’, providing a means of subsistence without market participation and, consequently, protection against personal servitude (Esping-Andersen, 1990). In addition to reducing poverty and protecting against social risks, the social security system aims to provide juridical guarantees for personal independence and to advance equal relationships within a community (Castel, 2003). However, immigration controls keep non-citizens as kinds of ‘underage citizens’: despite being *de facto* members of society, many of the life choices (such as residence, employment, or marriage) that are self-evident freedoms for citizens are dependent on the decisions of immigration authorities (Könönen, 2018a).

Immigration controls function as ‘technologies of citizenship’ (Walters, 2002) that reproduce the racialised, gendered and classed order of nation-states not only through deportations but by advancing asymmetrical relations and personal dependence for non-citizens (Könönen, 2018a). Conditional residence rights and limited access to social rights increase migrants’ dependence on wage labour and reliance on third parties, consequently exacerbating their vulnerability to exploitation in connection with other factors such as class and gender. Similar to labour migrants whose residency is connected to employment,

marriage migrants' residence rights, in turn, are dependent on the long-term continuation of intimate relationships, with the prospect of deportation as a sanction for divorce. The risk of deportation also hinders precarious non-citizens from seeking assistance in case of mistreatment, including in the form of gender-based violence. Non-citizens' precarious inclusion in social welfare and citizenship regimes exacerbate the risk of violence that migrant women in particular are subjected to in their public and private lives (Piper, 2003). The best way to be protected against the risk of deportation is still the acquisition of citizenship.

To conclude, citizenship involves an inherent contradiction regarding democracy, as Étienne Balibar (2015) has highlighted: the history of citizenship is also a history of continuous struggle concerning the inclusion of those excluded from the rights and privileges of citizenship. In addition to resistance to immigration policies, migrant activism illustrates excluded groups' struggles for recognition in their full complexity, shaped by intersectional differences linked to their legal status, gender, employment status, or ethnicity (Martínez-Conde et al., 2020). Migrant activism and solidarity movements – such as the *sans papiers* movement in France (Cissé, 1999) or 'sanctuary cities' – have opened the political space for citizenship struggles and highlighted contradictory claims of equality embodied in citizenship (Mezzadra, 2022; Swerts and Nicholls, 2021; see keyword 'Solidarity'). In other words, migrants represent 'the part of those that have no part' (Rancière, 2004) inside the political community and demonstrate the shortcomings of the nation-state system in guaranteeing basic rights for all residents. Consequently, migrants' struggles for equality are situated along the same historical continuum as other previously excluded and marginalised groups and represent politics in the true democratic sense, challenging the boundaries of citizenship from the inside.

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