



Deserving or undeserving?☆

Governing 'migrant irregularity' and squatting in Amsterdam

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ABSTRACT

This paper documents the initial phase of the "National Alien Services" program (LVV in its Dutch acronym), intended to shelter undocumented people in the Netherlands from 2019 to 2022. The programme established a national network of guidance and reception facilities for undocumented migrants in five major Dutch cities to put previous urban-level initiatives on a more uniform basis. This paper analyzes the implementation of the LVV in Amsterdam, shedding light on the emergence of a new hierarchy among irregular migrants based on whether they are regarded as deserving or undeserving to access these facilities. As we show through the voices of civil society, migrants, and local policy makers, this new "hierarchy of deservingness" has de facto shrunk the spaces for autonomy of local reception practices – thus reducing the number of undocumented migrants who can access shelter – and those spaces created by migrants' squatting movement in the city. By addressing the intersection of migration, reception, and urban policies through the lens of "deservingness", this paper supplements the theoretical debate by providing insights into how different actors negotiate hierarchies of deservingness at the crossroads of local and national governance levels, and how these dynamics interact with migrants' claim-making.

1. Introduction

November 20th 2019 was a day of worry and preparations at the disused warehouse in the Bijlmer neighborhood, which was then home to approximately 100 young men from Gambia, Nigeria, Burkina Faso and Senegal. An eviction order left by the Dutch police announced that they would all be moved out at 9 AM the next day. The owner of the building had called the police to expel the occupants. The young men were classified as "undocumented people," even though their legal statuses and migration pathways could hardly be lumped together under a single label¹. Some of these men had gained protection from Italy but moved to the Netherlands in search of better job opportunities; others had been rejected by Italy or other Member States and wanted to apply

for asylum again; yet others were defined as "out-of-procedure" by Dutch authorities (Kalir, 2017), as they had exhausted all avenues for regularising their status.

On the eviction day, the migrants were prepared: personal belongings, mattresses, cots, and food had already been taken out of the warehouse when the police arrived (Picture 1 and Picture 2). No resistance. "We are tired. We'd better die" – someone said. Others took it more philosophically: "It's always the same story anyway. Tomorrow we'll see" (S. A.'s fieldnotes, November 20th, 2019, Amsterdam). After eviction, the group dispersed to various destinations across the city, depending on their friendship networks or the support received from volunteers and local associations. None of the men was hosted in the facilities of the new national program for sheltering undocumented people called the LVV

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¹ Throughout the article, we are going to use the word "undocumented" and "irregular" to refer to the group of migrants who find themselves without legal residence permit in their current country of stay. We chose these words, since they were those mostly used by our interlocutors. Nonetheless, we acknowledge that none of these labels can fully grasp the diverse human, social and legal conditions of this group of migrants. For a critical appraisal of these terms we refer to the work of Ambrosini and Hajer (2023).

(*Landelijke Vreemdelingen Voorziening*, literally "National Aliens Service") that Amsterdam was then testing. Most of them did not meet the program's requirements. What was the aim of the programme and who was considered deserving enough to enter it?

When we approached the LVV program as foreign researchers, we were somewhat surprised by the open-minded nature of a programme that was providing services to the "undocumented", a group of people considered to be formally "non-existent" and by definition "undeserving" of any public service. City representatives to whom we spoke at first were hopeful about program's potential for coping with the city's growing population of undocumented people, estimated at around 15,000 (Municipality of Amsterdam, 2021). However, the more we studied the program, the more it revealed itself as an attempt to establish what Kalir and Wissink (2016) call a "deportation continuum", i.e. the creation of a consensus between state agents and non-state agents about who is a citizen and who is not, and, thus, is deportable. This consensus is, according to Kalir and Wissink, produced by the move towards seemingly "progressive political positions" such as "(adopting human rights discourse), compassionate attitudes (showing empathy for the 'victims' of the system), and a critical view of the state that is nonetheless accompanied by an overall acceptance that 'we work in a democratic country where the rules should be respected'" (Kalir & Wissink, 2016: 37). As we show throughout the article, similar considerations apply to the LVV and are key to explain its implications for the assistance of undocumented people at urban level and for the political legitimacy of migrant movements in the city.

This new policy was implemented through collaboration between local municipalities and civil society historically active in supporting undocumented people (Kuschminder & Dubow, 2022). National and local planners needed to agree on the eligibility requirements for access to the program and its facilities. It was thus essential to develop a system of criteria for distinguishing between "deserving" and "undeserving" undocumented migrants. As we show in this article, the "hierarchy of deservingness" that emerged from these discussions has enabled authorities to manage the hidden and varied population of undocumented people by enrolling a minority into state-led circuits of reception and by defining the other majority as expellable. Expulsion (Sassen, 2014), in the setting we witnessed, was both a migration policy instrument accomplished through voluntary and involuntary returns and a local administrative measure aimed at reducing spaces of informal housing, such as migrant squats.

The evictions of migrants and the concomitant implementation of the LVV thus speak to debates ranging from the role of cities in managing irregular migration (Varsanyi, 2006; Lebuhn, 2013) to the ways national and European border politics translate into urban policies on reception, housing and management of informality (e.g. Fauser, 2021, 2024; Dadusc, 2019a). Not only exclusionary immigration policies, but also restrictions to intra-European mobility of asylum seekers and refugees, such as the Dublin Regulation, are reproduced in the LVV and its requirements. As such, our case study contributes to the understanding of internal bordering processes in contemporary Europe and how they take shape in urban spaces. Drawing on ethnographic research with



Picture 1. The eviction from the disused warehouse, L-buurt, Amsterdam, November 20, 2019. Credits: Silvia Aru.



Picture 2. Moving one's belongings, L-buurt, Amsterdam, November 20, 2019. Credits: Silvia Aru

undocumented people and interviews with policymakers, practitioners and civil society, this study explores the categories of deservingness implemented through the LVV program, how local authorities and civil society experienced the policy change and how the LVV directly and indirectly impacted the living conditions of undocumented migrants in the city.

The article proceeds as follows. The next section reviews studies on the role of the city in dealing with irregular migrants and the relevance of addressing the intersection between migration, reception and urban policies through the concept of "deservingness" (Carmel & Sojka, 2021; Darling, 2017; Holmes et al., 2021; Holzberg et al., 2018). Then, we explain the context of the study and the combination of methodological approaches used in the research. The fourth section describes the emergence of the LVV and how the programme has established a new distinction between irregular migrants who are *deserving* and *undeserving* of assistance. We illustrate how this new hierarchy of deservingness – based on criteria drawn from the international and national asylum system, such as "safe" vs "unsafe" countries of origin, "vulnerability" and the principle of "durable solutions" – has reshaped the landscape of hospitality practices for undocumented individuals in the city. This transformation has led to tensions between national (stricter) and local (more lenient) interpretations. In spite of these tensions, our study suggests that the hierarchy of "deservingness", originating at the national level, has infiltrated the management of undocumented individuals at the local level, with detrimental effects on local authorities' opportunities to shelter undocumented migrants and on undocumented migrants' possibilities to claim autonomous space in the city. Section 5 opens a window into how migrants navigate the changes introduced by the LVV in Amsterdam, mostly looking at those who have been excluded.

2. "Deservingness" and the management of irregular migration at national and city level: a snapshot of the debate

How do states manage the problem of unauthorized migration and undocumented people living on their territory? This question has inspired and oriented a huge number of studies in the last forty years. In this extensive literature, scholars at times highlight the efforts of the state to prevent un-authorized migration and facilitate deportation processes (e.g., Birnie & Bauböck, 2020); at times, researchers point to state inability to expel undocumented migrants (e.g., Leerkes & Van Houte, 2020), resulting in a de facto institutional disregard of a sizable population of migrants living without rights across the Global North (Kalir, 2017).

Against this backdrop, there has been growing attention to the role of cities in dealing with the intractable issue of undocumented people. City administrators have often no choice but to try to deal with this population of *sans papier* living in informal accommodations, working in irregular jobs, but still inhabiting the urban space in more or less visible ways (Varsanyi, 2006). The political and pragmatic approaches to the problem at local level have been extremely varied (Caponio & Jones-Correa, 2018; Filomeno, 2017; Rogaly, 2019). At one extreme, city administrations have aimed at expelling undocumented individuals from their jurisdiction in alignment with national deportation policies (e.g. Varsanyi, 2008), while in other cases, they have sought to reintegrate those excluded by national laws through local policies providing alternative documentation and assistance that openly oppose national frameworks² (Collingwood & O'Brien, 2019; Mayer, 2018; De Graauw, 2014).

The case of Amsterdam that we analyze here stands somewhere in the middle. On the one hand, the city has earned a reputation for being progressive towards refugees and undocumented migrants (Roodenburg, 2019), but has been under increasing pressure to fall in line with

stricter national regulations on unauthorized migration. These two faces of the city are well represented in the LVV. The program has prompted the local administration and civil society to reduce the variety of previous facilities assisting undocumented people and to endorse eligibility requirements imposed by the national authorities. This endorsement, however, has been partial. Tensions arising from the interpretation of key elements underpinning the program – such as whether Dublin cases could be included in the program – reveal the complex negotiations between national authorities, local administrators, civil society and migrants. These negotiations reflect the existence of varying degrees and criteria of "deservingness" implicit in immigration laws and in provision of social services (healthcare, homeless shelters, etc.) for migrants (Anderson, 2013). As Anderson (2013) illustrated, migrants are historically and contextually categorized under varying degrees of deservingness depending on their legal status, gender, social class, country of origin and other variables when accessing social services (healthcare, homeless shelters, etc.). The idea of deservingness points to the fact that categories of eligibility are not objective, but reflect a moral order of worthiness that permeates public policies (Sales, 2002). The concept of 'deservingness' and how it is applied in migration, reception policies and social services provision is key to understand how local and national governance levels interact (Simpson, Visser & Daly, 2022; Sahraoui, 2020; Galli, 2020; Nagel & Ehrkamp, 2016; Holmes et al., 2021).

Following Ambrosini's (2023) advice to look into competing frameworks of deservingness when addressing migration policies, this paper explores how notions of "deservingness" that pervade the LVV are differently interpreted among implementing partners in Amsterdam and the role these notions play in the management of undocumented migrants in the city.

We apply the concept of deservingness to understand how undocumented migrants – people who by definition seem to be undeserving of all public services because they are formally non-existent – are managed (Chauvin & Garcés-Mascareñas, 2014). This is pragmatically accomplished by creating distinctions between *deserving undocumented* – who can potentially be turned into legal migrants – and the *undeserving* ones. These distinctions – or *hierarchies of deservingness* as well call them in this article – are based on categories and protection criteria drawn from the international and national asylum regime. These definitions have been essential, we argue, in creating a deportation continuum at city level (Kalir, 2017). Through the LVV, these seemingly progressive categories of deservingness have infiltrated the local reception system for undocumented people and, counterintuitively, restricted the opportunities available to local authorities and civil society for assisting this varied population. Not only. They have impacted the legitimacy of long-standing movements of undocumented migrants in the city.

Several authors have pointed to the multiplication of borders in the everyday life of undocumented migrants in European cities and have illustrated how urban practices of squatting are forms of "border struggles" (Dadusc, 2019a, 2019b). In particular, Dadusc (2019a: 594) speaks of a "politics of inhabitation", that she defines as a "radical practice of occupying space, of home-making" against institutional attempt of confining these experiences of solidarity across the citizen/non-citizen divide into forms of state-managed reception. These forms of resistance have at times been successful in increasing the public support for undeportable people in the Netherlands as Hajer and Bröer (2020) and De Vries (2015) have shown for the Amsterdam-based *We are Here* movement.³ Following these authors' lead, we explored how a shifting population of migrant squatters – connected with the *We are Here* movement – have reacted to the LVV. In particular, we show that the changing composition of the population of migrant squatters, increasingly made of "Dubliners" from other European countries, has not led to a renewal of the movement, but to a weakening of its legitimacy.

² This is the case of the *cities of refuge* movement that emerged around the world in the last ten years.

³ See <http://wijzijnhier.org/>.

We suggest that this is partly due to the pervading categories of deservingness implemented by national and local policies and progressively infiltrating public opinion and the migrant movement itself.

3. Some methodological notes

This study stemmed from the fortuitous encounter of the two authors when they were both engaged in fieldwork in Amsterdam between May 2019 and January 2020. The first author was analysing national policies regulating intra-European migrants' mobility, including reception measures. The second author was studying the housing situation of undocumented people in different urban areas in the Netherlands.

Despite their differing research focuses, the two authors ended up exploring the LVV and its implications for the living conditions of undocumented migrants in the city of Amsterdam.

Approaching the LVV from different angles, the two authors thus framed complementary research questions: how do national policies on intra-European mobility influence local reception measures for different categories of migrants? How do reception policies for undocumented migrants interact with migrants' autonomous strategies to find housing in the city?

In order to answer these questions, we interviewed 45 representatives of local authorities, of civil society, and government officials spearheading the LVV's implementation. This gave us a grasp of the new hierarchy of deservingness implemented through the LVV policy, their actual implications for the reception of undocumented people in Amsterdam, and how local authorities and civil society perceived and experienced this policy change driven by the national program. We also conducted interviews with long-standing supporters of undocumented people in the city and with undocumented migrants living in LVV facilities and squats. This enabled us to understand the experience of migrants who could be included and those who had been excluded by the pilot program and how activists perceived the policy change. Lastly, we took an ethnographic approach in following the squatting practices of several groups of undocumented migrants and their supporters – most closely, the “humanity group” as they call themselves – active in Amsterdam between May and December 2019. Through this range of methodological approaches and interlocutors at national and local level and with different political stances we account for the micro-dynamics of the LVV's early-stage implementation, the negotiations it triggered among local actors and the immediate implications it had for migrants.

4. Sheltering the undocumented: governing irregularity in the Netherlands

4.1. The LVV pilot program: a progressive measure at the end of a long struggle?

Dutch policies for undocumented individuals have shifted significantly since the 1990s. Initially, the national government focused on encouraging migrants to return to their countries of origin, establishing deportation infrastructure to achieve this goal. Legislation like the 1998 Linking Act tied access to welfare services with residency status to incentivize return (Kuschminder & Dubow, 2022). This legislation had a profound impact on governance and living conditions for undocumented people. The implementation of the New Aliens Act in 2001 intensified these measures, imposing a 28-day period to leave the Netherlands after a permit rejection and restricting asylum seekers' access to national reception facilities (Kuschminder & Dubow, 2022). Local municipalities and civil society organizations openly contested these policies, implementing measures to support undocumented individuals. Some provided basic welfare services like shelters and food to prevent homelessness (Pro-Facto, 2018).

In recent decades, management of undocumented presence in the Netherlands has become increasingly politicized, often resulting in conflicts between different levels of government, particularly the urban

(usually more progressive) and the national (often more conservative) tiers. In 2012, the national government prohibited municipalities from providing shelters – known as *Bed-Bad-Brood* Shelters (BBB) – to undocumented migrants (Roodenburg, 2019), as they were considered to undermine the return policy (Kos et al., 2016). The tensions between urban-level civil society claims (including the concomitant emergence of the *We Are Here* solidarity movement) and national regulations (Kuschminder & Dubow, 2022) materialized in the complaint by the Conference of European Churches against the government at the European Committee of Social Rights. The CEC argued that “the relevant legislation and practice concerning irregular adult migrants are in violation of Article 13§4 (right to social and medical emergency assistance) and Article 31§2 (right to housing) of the European Social Charter (‘the Charter’)”.⁴ The Committee ruled in 2014 that the Netherlands must provide for the basic needs in terms of housing and access to medical care of all individuals within its borders (Hess, 2016, p. 10; Ataç, 2019). In January 2015, the European Council of Ministers ratified the ECSR's judgment and obliged the Netherlands to take measures specifically addressing undocumented migrants (Kalir, 2017). In response to the ECSR ruling, the Government extended social provisions to undocumented families with underage children⁵ and, secondly, to people with health issues. In 2018,⁶ the national government and the Association of Netherlands Municipalities reached a long-negotiated agreement to launch the LVV.

4.2. Hierarchy of deservingness : LVV access criteria and the “durable solution” scheme

The LVV was launched by the *Secretary of State for Security and Justice* on November 29, 2018,⁷ to develop a network of reception facilities for undocumented migrants in the cities of Amsterdam, Rotterdam, Utrecht, Eindhoven and Groningen between 2019 and 2022.⁸ This network includes both municipal actors and NGOs and associations that have traditionally been active in supporting undocumented migrants in these urban areas. Since mid-2019, existing BBB shelters in these five cities have been converted into LVV's, although Eindhoven has kept its BBB shelters open (Verhagen, 2019). Adapting to local specificities (e.g., the pre-existing BBB system and the presence of a structured network of associations and NGOs, along with the different municipalities' political orientations), the pilot takes different forms in the cities involved (RegioPlan, 2020).

In all five cities, the system is, however, based on criteria underpinning the national asylum system. Unlike the BBBs, LVV facilities are designed to put an end to the long-standing presence of undocumented people in the country's major cities. For this reason, what is referred to as

⁴ *Conference of European Churches (CEC) v. the Netherlands (decisions on the merits)*, Complaint No. 90/2013, Council of Europe: European Committee of Social Rights, November 10, available at: <https://www.refworld.org/cases/COEECSR,54e363534.html> [accessed August 30, 2023].

⁵ They are hosted in special family locations (Gezinslocatie, GL) which have a stricter regime than an asylum reception center (Ataç, 2019).

⁶ Coalition Agreement 2017–2021, Confidence in the future, p. 54; Appendix to Parliamentary Paper 34 700, no. 34 and appendices to Parliamentary Documents 28 345, 31 015 and 31 839, no. 187.

⁷ Coalition Agreement 2017–2021, Confidence in the future, p. 54; Appendix to Parliamentary Paper 34 700, no. 34 and appendices to Parliamentary Documents 28 345, 31 015 and 31 839, no. 187.

⁸ The project, initially planned for a two-year duration (2019–2021), was extended until the end of 2022 by Secretary of State Broekers-Knol for Justice and Security in order to give the next cabinet more time for evaluation and decision-making on the further development of LVV's into a national network. See <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/12/17/tk-verlenging-pilots-landelijke-vreemdelingenvoorzieningen>.

the “durable solution scheme” lies at the core of the new reception program (RegioPlan, 2020).⁹ This scheme is also employed in other contexts to regulate the presence of undocumented migrants (see Cole, 2015 for a critical analysis of the term), indicating that reception is not indefinite but aims at finding a permanent solution to the irregular situation. In the Netherlands, we find three options: migrants can return to their home country; regularise their presence in the Netherlands; or relocate to another third country outside the EU where permanent residency is guaranteed.

Upon closer examination, the “durable solution scheme” shows why LVV imposes selection criteria that create a new categorisation within the same group of undocumented individuals who were previously accommodated, as such, in the BBB facilities. Those whose irregular status is regarded irremediable under the rules of the national asylum system cannot gain access. Specifically, LVV takes two fundamental access criteria from the national asylum system. The first is country of origin. Only people who come from countries listed as “unsafe”¹⁰ due to persecution and war seek to regularize their status through an asylum claim, and are thus eligible to enter the program. The use of “safe countries” list has been criticised (Borchelt, 2001) as it goes against the Geneva Principle as regards assessment of individual claims. Extending this much-discussed criterion in shelters for undocumented persons, thus, reproduces the national asylum system’s distortions at the urban level. Moreover, to be eligible for the program, irregular migrants (including those from an unsafe country of origin) must not have entered the EU from another member state (even if we are going to analyse the temporary exception that took place in Amsterdam), as they are already supposed to leave the Netherlands according to the EU provision called Dublin Regulation¹¹. This illustrates the significance of examining how national and supra-national levels of border governance are enacted at urban level and in specific reception policies. In particular, the Dublin Regulation establishes the rules for determining which EU Member State is responsible for examining an asylum application, typically assigning this responsibility to the first country of entry. The latter processes asylum requests, and is responsible for accommodating individuals who have been granted refugee status or deporting those denied it (Aru, 2022). However, this provision has had limited capacity to stop secondary mobility of asylum seekers and refugees within Europe. In 2022 EUROSTAT recorded more than 171 thousands of take change and take back requests by member states, reflecting a portion of those who relocate irregularly in Europe. This number does not cover those migrants who have already secured some kind of protection in a member state but reside elsewhere “irregularly”. The term “Dubliners” has thus been coined to define a varied population of people affected by the Dublin Regulation whose status is irregular inasmuch as they are in a Member State other than the “competent” state (Picozza, 2017). Dubliners account for a sizable proportion of Amsterdam’s “undocumented migrants” and it is not a case that authorities at city level - interested in managing informality - were in disagreement about their exclusion from the LVV (see next section).

The second criterion is “vulnerability”; individuals may be identified as having “special reception needs”. Although there is a wide theoretical discussion on what constitutes vulnerability (Gilodi et al., 2022), policies more pragmatically tend to define “vulnerable people” as “minors, unaccompanied minors, disabled individuals, the elderly, pregnant women, single parents with minor children, victims of human trafficking, individuals with serious illnesses, those with mental disorders, etc.” (AIDA, 2017, p. 15). To paraphrase Kalir (2017), this could be

considered a “compassionate measure” that is instrumental in enacting the deportation continuum. Many authors (Fassin & Rechtman, 2009; Ticktin, 2017) have in fact drawn attention to how the category of the “vulnerable”, the victim, the one in need of care – mostly framed in biomedical terms – has been widely used in migration discourse and policy to exclude the majority of asylum seekers, migrants who are “too active”, “too well”, “too political” to deserve protection. A similar rationale seems to be at work in the LVV .

For those who meet the access criteria, the “durable solution scheme” significantly influences their daily lives while residing in the LVV facilities. After entering the program, the “deserving” resident is assigned a case manager to create a personalized perspective plan and receive legal support. These services assess migrants’ actual chances of obtaining legal status in the Netherlands or pursuing options for “voluntary” departure back home or in another third country outside the EU. To gain and maintain access to the facilities, “deserving” undocumented migrants must sign a formal agreement in which they agree to cooperate, regardless of the specific outcome determined for them during their months of stay. Since the majority of undocumented individuals are considered “deserving” to enter the program only if they fall under the “removal” options, it is not a stretch to say that the LVV is a successful enactment of the deportation continuum (Kalir & Wissink, 2016). Specifically, the new program – and the continuum of institutional and civil society actors that are involved – exchanges services for migrants’ cooperation in their “voluntary” deportation and applies concepts of deservingness that reproduced the national-level logics of deportation. Emblematically, the first LVV evaluation report expresses concern only about Eindhoven, as the fact that the municipal BBB continues to be open in addition to the LVV is considered to make migrants less likely to decide to leave The Netherlands (RegioPlan, 2020, p. 1).

We can thus picture a hierarchy of deservingness featuring regular migrants on the top, “good” irregular migrants who either agree to be deported or have a chance to be regularised in the middle, and the irregular migrants who are considered to be beyond hope at the bottom. Within this basic hierarchical categorisation, we could think of different degrees of deservingness depending on their level of vulnerability or the level of insecurity of their country of origin. The new hierarchy of deservingness that underlies the access criteria and rules for staying in LVV facilities has had two main consequences: fewer categories of people can be sheltered, and migrant squatting has suffered a further loss of political legitimacy. We will examine these consequences in the following pages, with a focus on Amsterdam.

5. Who is deserving of assistance in Amsterdam?

In Amsterdam, the LVV program was initiated on March 1, 2019, providing 500 places, mainly situated in areas where the previous BBB shelters were located. It is operated with the assistance of a network of six different NGOs, offering migrants legal, social, residential, and return assistance support. Unlike the former BBBs, these new LVV facilities provide 24-h service, improving the quality of life for those hosted there, as they are no longer restricted to night shelters from 6:00 PM to 09:00 AM (Oomen & Baumgärtel, 2018; Roodenburg, 2019). However, as mentioned, the LVV’s durable solution scheme has brought a rigid framework of rights and duties for people hosted in the shelters and excluded a considerable part of undocumented people living in the city. In our empirical study, some institutional actors spoke of this aspect, emphasizing the program’s exclusionary dynamics. For instance, a representative from the municipality told us:

“In our former program [BBB] persons from safe countries were [included], so at this moment we still have 60 persons from safe countries. [...] Now, it’s more or less only people who used to apply for refugee

⁹ <https://www.amsterdam.nl/zorg-ondersteuning/ondersteuning/vluchtelingen/24-uursopvang/>.

¹⁰ These lists are compiled by national authorities and regularly updated.

¹¹ For the Dublin Regulation, see https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en.

status" (Interview with M.T., Municipality of Amsterdam, Amsterdam, November 15, 2019¹²).

Likewise, one of the workers from the V-LOKET, the municipal desk dealing with undocumented individuals, highlighted the substantial change driven by the new framework:

"[Now] we would check if you came from a safe country. So, if you come from Italy, you're not going to come in. You come from European countries, safe country [...]. And if you are persona non grata, 10 years above [you cannot enter the program]. So those are things we check: 'safe country', 'persona non grata' ..." (Interview with I.H., V-Loket, Amsterdam, January 27, 2020).

The voice of actors involved in managing the shelter also showed how categories of deservingness based on the principle of safe countries had become key in the daily administration of the services. J.H., a representative of the NGO HVO-Querido¹⁵ told us:

"People from safe countries should go back to their countries. They are asked, 'Okay, what is your option?', they are being helped to get back. But really, they have to go. They cannot stay in the shelter" (Interview with K.I., HVO, Amsterdam, 27/01/2020).

Thus, the "Dubliners", those who entered the EU through other Member States, and undocumented people from safe countries who were previously hosted in the BBB shelters had to vacate the new LVV facilities. This raised significant concerns among some individuals directly involved in evaluating the LVV. To quote B.N., a researcher from the RegioPlan¹⁶ group:

"If you don't have them in the LVV, so where should they go? Like that's a big problem now [...] especially for the NGOs, because there's a big category that cannot go into the LVV, so what happens to them? Yeah, that's a big concern" (Interview with B.N., RegioPlan LVV, February 11, 2020).

Moreover, people can no longer freely enter, exit and re-enter LVV facilities following a break period, as was the case in BBB facilities. Since the LVVs occupy the same physical structures of the former BBB, this rule change is not always so clear to the residents. Regarding this issue, A.K., a worker at ASKV, a NGO that help undocumented migrants in the city to find shelter and provide some legal assistance, has no doubt:

"We got 500 people in the LVV, and [the rules] were way stricter in where they stay, where they can't stay. Yeah. Because if you leave, for example, the BBB, that means you also leave LVV [program]. That's difficult because people sometimes refuse to sleep with 12 people in one room. Then they say, 'Okay, I'm leaving BBB'. Then they say, okay, but then you also leave the LVV [programme]." (Interview with B.L., ASKV, Amsterdam, January 24, 2020).

The stricter rules, and especially the rule against freely entering and exiting the facilities as before, have triggered expulsion processes even

among the undocumented migrants considered "deserving" of remaining in the facilities. Some NGO officers working for migrants' well-being in Amsterdam openly spoke of the current "terrible living conditions"¹⁷ of undocumented migrants and the increasing pressure to find alternative solutions for those who fall out from LVV (Interview with A.O., ASKV, December 8, 2019). An evaluation report states that "[v]arious parties express their concerns about the group to whom the LVV cannot offer a solution (no possibilities for legalisation nor return or onward migration) or the groups that are excluded from the LVV" (RegioPlan, 2020, p. 6).

Compared to other cities involved in the national program, Amsterdam appears to be more flexible in applying certain rules, according to our interviewees from civil society and institutional social services. A worker from ASKV told us:

"I think the municipality [of Amsterdam] is already a little bit more open-minded than the national governments, which says, 'No, you just have to return. We shouldn't look for other possibilities to stay'. And the municipality has said like, 'Oh, we want to try to be a fair city. We will try to push back a bit, not migrants, but the national government'" (Interview with B.P., ASKV, Amsterdam, December 08, 2019).

One worker at the GGD – the national health service – who is directly involved in filtering undocumented people who would have access to national health system made a similar point:

"[W]e're doing something different from what our government's saying. Our government is saying these people are illegal [...], while our municipality or local councils are very left wing and they're saying 'No, these people need help, they're human', that story. So, they called us 'Republic Amsterdam' [...]. So that creates friction as well; that's why a lot of migrants want to come to Amsterdam" (Interview with E.Q., GGD, Amsterdam, January 31, 2020).

These two quotations illustrate how significant political issues are involved in the contrasting interpretations of the program's eligibility criteria and in interpreting the durable solution scheme.

Regarding the first aspect, Amsterdam initially welcomed Dublin cases into LVV structures, acknowledging their widespread presence both in the area and in BBB facilities. Potentially, these individuals could also have their asylum requests examined, as the Dublin Regulation and Dutch legislation allow them to enter the asylum procedure after 18 months of registered presence in the Netherlands. Consequently, the local implementation of the LVV program hindered the national government's logic of deportation: no form of assistance should have been provided to Dublin cases other than assisting them in reaching the EU country of first entry. Given that significant numbers of undocumented are "Dubliners", it is no coincidence that tension arose about their inclusion in the program. While forced relocation to other EU countries is often unsuccessful (it is relatively easy to travel back to the Netherlands for those who are returned to Italy, for example), local authorities have to deal with their irregular presence that, in their eyes, is a problem for managing urban informality, squatting, public security, and humanitarian assistance to a hidden and, at the same time, very visible population (Chauvin & Garcés-Masareñas, 2014). Organizations, such as the *Dublin brothers* and *Amsterdam City Rights*, have successfully lobbied to have this group – mostly consisting of young Eritreans – be part of the program. However, this exception has gradually been phased out under

¹² All the names and initials of our interviews are coded to protect their privacy and the confidentiality of the information shared with us.

¹³ A "persona non grata" refers to an individual considered undesirable within a country. This designation is typically made by the government (or other relevant authorities) and may result from various reasons, including legal violations, security concerns, diplomatic disputes, or any actions deemed contrary to the interests of the country. See <https://dictionary.cambridge.org/it/dizionario/inglese/persona-non-grata>.

¹⁴ The V-Loket is a municipal office for undocumented persons.

¹⁵ HVO-Querido primarily focuses on providing support and assistance to individuals facing homelessness, addiction issues, and mental health challenges. See <https://hvoquerido.nl/>.

¹⁶ See <https://www.regioplan.nl/english/>.

¹⁷ See <https://m.facebook.com/amsterdamcityrights/posts/2199214743668784>.

a



b



Picture 3. The squatted garage in Bijlmer (27/01/2020). Credits: Silvia Aru.

pressure from the national government.¹⁸

Regarding the second aspect, the interpretation of the durable solution scheme, an initial assessment report confirms the varying tendencies among different Dutch cities when it comes to pursuing one of the three possible solutions for the undocumented hosted in their LVV facilities (Verwey Jonker Instituut, 2021). In Amsterdam, for instance,

47 % of counselling trajectories seek to achieve the “Legalization of residence in the Netherlands”, compared to 10 % in Rotterdam, and 12 % in Groningen. By contrast, the figure reaches 60 % in Eindhoven and 72 % in Utrecht.¹⁹

Even though the city of Amsterdam shows more openness towards

¹⁸ <https://www.parool.nl/amsterdam/amsterdam-stopt-met-opvang-grote-groep-ongedocumenteerden~b301738d/>.

¹⁹ Although legalization is pursued more in Amsterdam than in other cities, a high percentage of people are still told they need to leave the country (26 %, Verwey Jonker Instituut, 2021).

regularizing the undocumented than Rotterdam and Groningen, the program has had consequences for the management and perception of most undocumented migrants in the city. The reproduction of the national asylum system's hierarchy of deservingness had the perverse effect of pushing even more "undeserving" migrants into precarious conditions, marginalization, and invisibility (Tazzioli, 2014). The following section illustrates how the new policy has contributed to delegitimizing the political actions of undocumented migrants and their squatting practices and has worsened their public image by categorizing them as "undeserving".

6. Migrant squatting in Amsterdam

For decades, squatting has been the most common tactic for securing a place to live for those in need. Squatting, defined as the typically urban activity of finding unused places and turning them into housing, has been part of Amsterdam's history since the sixties (Pruijt, 2013). Although squatting has become increasingly criminalized in the Netherlands, Amsterdam maintained a more liberal approach to these housing strategies and political initiatives until recently, as exemplified by the *We Are Here* (WAH) movement (De Vries, 2015; Hajer, 2015).²⁰ In 2012 a group of undocumented people – mostly rejected and deportable asylum seekers – and locals spontaneously created this movement to pursue a strategy of "visibilization". As the eloquent name suggests,²¹ the movement members claim the right to be acknowledged by the state, particularly the right to "have a normal life", to work and to basic social rights such as housing, health, and education (Hajer & Bröer, 2020). The movement was mainly conceived as a series of squatting actions in different parts of Amsterdam (Hajer, 2015; Van Der Spek, 2017).

The activists of the WAH occupied places named by combining the word "Vlucht" – which means "refugee" in Dutch – and the buildings' former use: the VluchtKerk (Church), the Vluchtgarage, the Vluchtgemeente (municipality) etc. Each place of the over one hundred buildings the movement squatted since 2012 symbolically represented the ongoing mobility of these unrecognized refugees across the world and across the city. For several years, these squatting actions received wide support from the local population, political and social actors, and led to the emergence of the BBB shelter system in 2013. However, the movement has gradually lost momentum. The migrant initiators of the movement have either migrated elsewhere or obtained papers; moreover, difficulties in finding abandoned buildings have split the movement. Smaller groups can find places to squat more easily and without attracting too much attention. When we did fieldwork in Amsterdam between 2019 and 2020, the movement was not only weakened – if not "dead" as some of our interviewees maintained – but the reputation of the migrant squatters had also reached a historic low.

Between 2019 and 2020, there were approximately six groups of migrant squatters who self-defined as part of the WAH: respondents refer to them as "the Swahili group", "the women's group", "the Sudanese group", the group of the Eritreans Ethiopians living in "the Vluchtmaat", "the Dublin brothers" – mostly unaccompanied minors from Eritrea with a Dublin claim to Italy – and the humanity group, mostly composed by West Africans. The latter group was the most numerous, consisting of 80 men aged between 18 and 40 who were mostly from Nigeria and the Gambia, and tended to receive new migrants joining from Italy every day. Interestingly, these last two groups identified with the *We Are Here*

²⁰ <http://wijzjnhier.org/who-we-are/> For an overview of the movement's beginning, see also Van Der Spek (2017) *We Are Here: Look with us, not at us*. <https://www.opendemocracy.net/en/we-are-here-look-with-us-not-at-us/>.

²¹ The name *We Are Here* was introduced by the artist and activist, Papa Sakho, while preparing the commemoration for the victims of the Schiphol Fire in 2006. See: <http://wijzjnhier.org/tjdslijn/we-are-here-is-four-september-4th-2016/>.

struggle, but their legal conditions and claims were quite different. As a matter of fact, many of them were only partially "undocumented" at the EU level, as we our introductory vignette shows. Some of them were formally asylum seekers or refugees appealing in other European countries, others were recognized refugees seeking to relocate from the first country they reached in Europe. Many of them were thus regularly present in Europe, but did not hold Dutch papers (Belloni, Pastore, & Roman, 2023). Their claims were only partially similar to those of other undocumented people in the Netherlands. While they too claim the right to stay, they mostly risk being returned to their first country of asylum in Europe. While some hope to regularize their stay after 18 months of registered presence in the country (this was especially the case of the Eritreans); most of the West Africans that we met simply sought to find decent accommodation and work against the prescriptions of the Dublin Regulation.

Since we started following the squatters of the humanity group, they occupied a store under construction, an ex-supermarket warehouse and an abandoned garage, while also attempting to squat in several other locations (Picture 3).

The LVV programme was present in everyday conversation among the squatters. Within the minority of eligible migrants, some were willing to enter, but reported being on the waiting list for months without being able to access the shelters. For example, Z., a 24-year-old from Sudan, told us that he attempted to register for the program multiple times, but officers discouraged him from reapplying stating that they would have prioritized women and minors. Others feared that entering the program meant implicitly agreeing to be returned to their home countries.

Nasser, a young man from Gambia said:

"I would die rather than go back...really no joke...and all of us feel the same. We risked our lives to come here. We need to get something now. We cannot go back empty-handed." (M.B.'s fieldnotes, December, 2019)

Nevertheless, some groups of squatters had political reasons for rejecting the LVV. For instance, "the women's group" consisting of a small number of women from Ethiopia, Eritrea, Ghana etc tried for months to resist pressure to enter into the LVV. At the time of our study, they had squatted in a building not far from the garage in the Bijlmer with the help of some local supporters. As explained by one supporter, the municipality contacted this group to find them accommodation in different LVV structures. However, the group refused: the main reason was that the women wanted to remain together, and this would have not been possible in the LVV as some of them came from safe countries (e.g., Ghana), others were still in procedure and should have been in asylum centres²² and yet others had a previous application in Italy. While the LVV's hierarchy of deservingness would have divided them, the group claimed the right to create their own autonomous living space. This would have allowed them to maintain the emotional and social bonds they had created in years of squatting.

We found a similar resistance to state-managed reception among other groups of migrant squatters. For instance, the "humanity group" expressed a similar position towards the prospect of going to a winter shelter,²³ a night accommodation for homeless people opens from December to April.

Blondy, a Gambian in his thirties said:

"I want to be with the We Are Here. The winter shelters are not a solution. Why shall I go out early in the morning? And where shall I stay the whole

²² The so-called AZC (*Asielzoekerscentrum*) Cf. <https://www.mycoa.nl/en/content/asylum-seekers-reception-centre-azc>.

²³ See <https://www.amsterdamcityrights.org/emergencynightshelter/#:~:text=The%20winter%20shelter%20is%20a>.

day? This is not freedom. I do not want to depend on the assistance of others. I want to be free" (M.B.'s fieldnotes, December, 2019).

Blondy was temporarily hosted by some local supporters, but went regularly to see the humanity group at the garage in the Bijlmer. Several people like Blondy came to this seemingly inhospitable place to spend their afternoons listening to music with their friends in army tents and cooking African food on a small gas fire. "We are brothers – said Hassan, another young Gambian – we cannot leave our brothers suffering while we are sleeping in another place. We need to find a solution together. It is not good to divide". Portos, one of the group's leaders, added:

"They promised us a 24-hour shelter, but they did not give it to us. We will not go to the winter shelter, nor to the LVV. Never. Now, this garage is good for us. We will try to improve this place and remain here" (M.B.'s fieldnotes, December, 2019)

The garage in fact improved with the help of supporters and volunteers over the next few months, but the place was finally cleared after the COVID emergency in the spring of 2020. In spite of the extreme living conditions, the garage in the Bijlmer was the best refuge for this group throughout the winter 2019–2020, given that all other squatting attempts were interrupted by sudden police raids and the scant tolerance shown by political and juridical actors and landlords.

This group was also coming increasingly under the municipal authorities' spotlight: while the left-wing municipality was working on implementing the LVV, the mayor of Amsterdam announced in January 2020 that she would adopt a zero-tolerance approach towards new squatting actions.²⁴ The new attitude towards squatting attempts mostly targeted these migrants that the LVV classified as undeserving inasmuch as they consisted chiefly of people coming from "safe countries" and "Dubliners". It should be noted that this delegitimization of the WAH, or what was left of it, was taking place while the LVV was beginning to be implemented²⁵. It seemed that the implementation of the program – giving a second chance to the "deserving" undocumented – was making the political claims instances of those who could not or did not want to be included in the LVV by further dividing the groups. Their squatting attempts were often portrayed in local news as dangerous and illegitimate. The humanity group, moreover, had gained a bad reputation among the movement's long-standing supporters, such as local squatters, NGOs and legal assistants. Some of these attempts were also seen as "wrong" by native squatters as the general rules of squatting – in terms of carefully checking that buildings had been abandoned for along time – had not been systematically respected. In the eyes of some of our interviewees, this breach of the informal rules of squatting had exposed the entire squatting movement to delegitimization and adverse public opinion. Some of group's supporters of the group also mentioned addiction problems among the migrants. This array of factors contributed to isolating the group. In spite of these dynamics, some local associations, such as the NGO Family on a Mission kept supporting the group and rebranded some of the members as "Mandela Kids".

However, we could also argue that the LVV's underlying logic of

deservingness had started to infiltrate the WAH. Its hierarchy of deservingness was noticeable in the words of our interlocutors. Some of the migrants in WAH felt, in particular, that the "Dubliners" who had arrived from Italy were weakening the movement, as they had a country to go back to, Italy in this case. Abdul, a long-term member of the WAH, who had finally gained legal residence, felt for instance that Dubliners were not part of the movement, in spite of what they claimed:

"We came here because of war and distress in our countries, they come from safe countries and they often have status in Italy...they are not part of the movement." (M.B.'s fieldnotes, December, 2019)

Moreover, Portos, one of the spokespersons of the group stated:

"These crackers [squatters] do not want to help the West Africans because our country is a safe country, and we don't have an asylum case. So, they do not want to help us anymore. They are helping the Sudanese, the Eritreans and so on. Once we were one group, the unity group, as I called it" (M.B.'s fieldnotes, December, 2019)

According to our observations and the other informants we interviewed, the idea that local squatters were not helping the group because they allegedly came from a safe country does not seem to be well founded. However, Portos' statement to some extent indicates that the binary logic of *deserving vs undeserving* was haunting the migrants who were part of the movement. Could Dubliners be part of the WAH movement? Were their claims as important as those of the original WAH? While the influx of Dubliners in the WAH could have strengthened the radical claim to normal life and equal rights of the initiators of the movement, these migrant squatters found themselves divided by the same logic they were fighting against.

7. Conclusion

This paper analysed the local dynamics triggered by Amsterdam's implementation of the national LVV programme for sheltering undocumented migrants. We argued that the pilot program has introduced a new "hierarchy of deservingness" among undocumented migrants that effectively reinforces at local level the justifications for expulsion and exclusion from basic services and territorial expulsion, as has been the case in other contexts (Nagel & Ehrkamp, 2016). Though there have been tensions between local actors and national authorities over what kind of durable solution should be sought by the program, our study has illustrated that the LVV has been instrumental in legitimizing a *deportation continuum* at city level. The program has triggered a series of expulsion dynamics (Sassen, 2014) that have de facto restricted assistance and transformed accommodation spaces into facilities intended chiefly for deportation.

While the program was presented as a solution to the housing needs of undocumented people in the Netherlands, the LVV has significantly restricted undocumented migrants' access to shelters by categorizing a specific subset as "deserving", in close alignment with the stringent national asylum system. Consequently, individuals perceived as "undeserving" find themselves systematically excluded from the program. Moreover, the LVV framework strategically directs even "deserving" undocumented people towards deportation. Although a minority may access regularization, "voluntary departures" were the most common outcome in the program's first phase.

The new program has also perpetuated even greater state of uncertainty for most of the undocumented migrant population (Tazzioli, 2014; Aru, 2021) outside the facilities. This situation has been exacerbated by stricter urban policies targeting migrant squatters, significantly diminishing the autonomous space historically claimed by migrants in the city. This is not a new trend. The Dutch state and municipal authorities - not unlike other contexts - have been active for years in dismantling makeshift accommodations while capturing and redirecting migrants "into state-controlled circuits of mobility" (Van Isacker, 2019,

²⁴ See the agenda of the municipality meeting: <https://amsterdam.raadsinformatie.nl/vergadering/673654/Raadscommissie%20Algemene%20Zaken%2030-01-2020>. <https://www.parool.nl/amsterdam/historische-beleidswijziging-halsema-s-geduld-met-krakers-is-op~b088142a/>. See also the news in the media: <https://www.parool.nl/amsterdam/historische-beleidswijziging-halsema-s-geduld-met-krakers-is-op~b088142a/?referrer=https://www.google.com/>. <https://www.telegraaf.nl/nieuws/1772793412/femke-halsema-opent-jacht-op-krakers-na-problemen-met-we-are-here>

²⁵ About the complex relationship between the municipality of Amsterdam and the We are Here Movement see also the following letter by Khalid Jones, representative of the We are Here <Fair City Amsterdam> Open Letter to Mayor Halsema (listcultures.org) and the article by Khalid Jones and Jo Van Der Spek in Amsterdam Alternative <https://amsterdamalternative.nl/articles/10483/hoewethouder-groot-wassink-we-are-here-bedrog>

p. 610). However, these policies have found a moral ground in the LVV's hierarchy of deservingness. Without suggesting a straight causal link, we observed how the reshaping of the categories of "deservingness" and "undeservingness" seems to have further delegitimized the squatting practices of the well-established *We Are Here* (WAH) movement. Despite attempts to resist the program, our study revealed that migrants' opportunities to find shelter autonomously have been restricted. This raises significant questions about the basic rights of undocumented migrants in the cities of a world increasingly in thrall to restrictive migration policies.

In our article, we have only captured a moment of significant change in migrant reception policies in Amsterdam, but conditions may shift quickly. This is why our intention is not to draw definitive conclusions but, rather, to illuminate some emerging dynamics that may prove valuable for further studies in the same or in other contexts. The implementation of the LVV in Amsterdam provides interesting insights into how *hierarchies of deservingness* are negotiated at the crossroads of local and national governance levels by different actors involved in the programme (Simpson, Visser & Daly, 2022) and how these dynamics interact with migrants' claim making. Throughout this article we have shown how negotiations over categories of deservingness are key to achieving or resisting the effects of EU and national migration policies at city level. In particular, the multiplication of categories of undocumented people created by multiple regimes of mobility, such as different national asylum systems and the Dublin Regulation, could have led to the renewal of the city long-standing migrants' movement. However, hierarchies of deservingness imposed from above have played on these distinctions and, at least for the moment, narrowed migrants' spaces and their capabilities to advance political claims.

In conclusion, we would like to reiterate the critical importance of conducting empirical research on the intricate relationship between notions of "deservingness" and their implications for access to social services in the context of urban migration governance. Future comparative studies could shed light on the extent to which local responses to national policies diverge or converge and the resulting implications for migrants' lives in contemporary EU cities (Glorius & Doomernik, 2020).

Credit authorship contribution statement

Silvia Aru: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Writing – original draft, Writing – review & editing. **Milena Belloni:** Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Writing – original draft, Writing – review & editing.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The data that has been used is confidential.

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