Citizenship, deservingness, and the city: Challenges for migrants with an irregular legal status in Barcelona to obtain a work contract suitable for regularisation through arraigo social.

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Master thesis

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Abstract

In this research, I critically analyse the challenges that irregular migrants residing in Barcelona face in obtaining the work contract that is obligatory for the regularisation mechanism *arraigo social*. The *arraigo social* is set by Spanish national law, whereas some competencies are handed over to the region or the municipality. I argue that although cities take essential steps to improve the situations of irregular migrants on their territory compared with the national level and often grant forms of urban citizenship, there are still many challenges that irregular migrants face in getting regularised. Secondly, I argue that the requirement of a work contract and the mechanism *arraigo social* in general work as an instrument applied by the state to "silently exclude" individuals from citizenship without harming the self-image of the liberal state. This goes hand in hand with forms of deservingness, filtering the "good" from the "bad" migrant. I argue that on the national level, these dynamics are produced and then partially reproduced on the city level of Barcelona. The research design is a case study focusing on a snapshot of the experiences of irregular migrants in Barcelona. I collected empirical data through eight semi-structured interviews with (former) irregular migrants living in Barcelona. In this paper, I combine the literature on citizenship, irregularity, and multilevel migration governance, focusing on the concepts of deservingness and urban citizenship. I work out relevant results that can fill gaps in this body of literature, and guide NGOs, city governments and stakeholders in promoting regularisations. There is room for improvement toward more humane migration governance if we understand the main challenges for irregular migrants to get regularised and, in this case, to obtain a suitable work contract.

Keywords: Urban citizenship; deservingness; irregular migration; regularisation; *arraigo social*

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List of Abbreviations

EC	European Community
ECHR	European Convention on Human Rights
EU	European Union
ICESCR	The International Covenant on Economic, Social and Cultural Rights
IOM	International Organization for Migration
NGO	Non-governmental organisation
TEU/TFEU	Treaty of the European Union and the Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees

1. Introduction

E.N.: But these papers are the ones that maintain you now, so, without papers, you cannot, not even go to visit the rest of your family over there. [...] It is like a big trap.[1]

Spain has become relatively recently a "country of immigration" (Lafleur and Stanek, 2018). However, the numbers of irregular entries and irregular migrants[2] residing in Spain are high (Gálvez-Iniesta, 2020). It is a product of restrictive immigration policies, which goes hand in hand with the general atmosphere in the European Union (EU). Despite wanting to restrict immigration, Spain also claims an intent to reduce irregularity through regularisations. Is this, however, the goal only to keep control, tax contributions high and sovereignty over the territory (Chauvin and Garcés-Mascareñas, 2012)? On what logic are people eligible for regularisation?

Regularisations can be categorised into regularisation mechanisms, regularisation programs and regularisation initiatives (Van der Vennet, 2021). In Spain, in part due to humanitarian reasons, regularisations have happened since 1985, and then step-by-step individual and permanent mechanisms have been developed. Nowadays, there exist three forms of the individual regularisation mechanism *arraigo*, which vaguely translates as "rootedness". One of the most popular *arraigos* – *arraigo social* – is based on the concept of social integration. It requires a minimum residency period of three years in Spain, integration efforts such as Catalan and Castilian language classes, no criminal record, and a full-time pre-work contract of one year (Izquierdo, 2006). The latter, the pre-work contract, is the object of this research here, as it is important to understand its role in the regularisation procedure. As I show in this paper, the requirements asked from the individual concerning the work contract are difficult to fulfil and can work as a filter to separate "deserving migrants" from "undeserving" migrants". The "undeserving" are excluded "silently" from citizenship.

However, migration governance does not only take place on a national level. The supranational (for example, the EU), the regional and the local produce dynamics of immigration governance on multiple levels (Zapata-Barrero et al., 2017). More concretely, cities in Spain have unique competencies that produce different approaches to residency registration in the municipality *el padrón*. The registration is obligatory, both for municipalities and for migrants. This registration can give access to health care, social services, and compulsory education for minors and therefore be a

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[1] Personal translation. For original, see appendix 2.1.

[2] In the following, I refer to an irregular migrant as being "a person who, owing to irregular entry, for breach of a condition of entry or the expiry of their legal basis for entering and residing, lacks legal status in a transit or host country" (European Commission, 2022). Still, I want the reader to understand this definition cautiously and disconnect this status from the person's identity and actions. Irregularity can be understood as constructed by a racist, imperialist, and neo-colonial system.

crucial instrument of governance for irregular migrants (Bauder and Gonzalez, 2018). It is also one essential requirement in the process *arraigo social.*

Recent discourse highlights some cities, especially Barcelona, as a prime examples of a more inclusive approach to immigration and regularisations (European Union Agency for Fundamental Rights., 2021; Kaufmann et al., 2021). Barcelona is even said to rebel against restrictive national law (Mansouri and Zapata-Barrero, 2017). Many scholars also conceptualise the city as a grantor of "urban citizenship" (Bauböck, 2003), which does not imply full legal national membership, but an effective membership in the city through work relations and social interaction (Gebhardt, 2016; Bauböck, 2003).

In the action plan on irregularity of 2017, the city council of Barcelona mentions the promotion of regularisation as one of its five objectives (Ajuntament de Barcelona, 2017). It is admitted that the challenges, that irregular migrants face in fulfilling the regularisation requirements are the result of the restrictive national law. This impedes the migrants from gaining the "full package" of membership, beyond urban citizenship. Even in Barcelona, however, many irregular migrants cannot access their rights and live in precarity and exclusion. The city of Barcelona has not found ways to resolve these challenges yet.

Is this action plan in the end just an "empty" discourse of the city itself and are scholars romanticizing the "city rebellion" (Zapata-Barrero, 2017, p. 9)? Which aspects still impede the migrants from accessing regularisation? What principles is it based on, who can access regularisation? Who "deserves" regularisation (Chauvin and Garcés-Mascareñas, 2014)? What does this mean for the conceptualisation of citizenship? Precisely because Barcelona is one of the most open cities in Spain concerning immigrant inclusion, I want to look at its unsolved problems. This paper can thus help aim for the ideal other cities can copy and adapt to their contexts.

Following these elements, it is interesting and crucial to analyse the challenges irregular migrants in Barcelona face in obtaining a valid work contract for the regularisation procedure *arraigo social*. Socially and academically, it is central to work out the relationship between these challenges and forms of citizenship and deservingness frames. The research answers thus the following two questions: What challenges do irregular migrants face in obtaining a work contract suitable for *arraigo social*? What role does the work contract for *arraigo social* play in the nexus between citizenship and deservingness on the national and the local level? This paper provides a snapshot of the situation in Barcelona.

These questions are inspired by data collected in the first half of 2022. I conducted eight semi-structured interviews with (former) irregular migrants concerned by *arraigo social*. The data present a

snapshot of the current situation. The paper addresses gaps in research, which are missing on multilevel analysis in relation to regularisations, local immigration governance cases analysed in a larger context, the migrants' experiences in regularisation processes, and a critical approach to urban citizenship. I work out relevant results that can fill these gaps, and guide NGOs, city governments, and stakeholders in the promotion of regularisations. There is room for improvement towards more human migration governance if we understand the main challenges for irregular migrants to get regularised and, in this case, to obtain a suitable work contract.

The paper is divided into six parts: Following this introduction with the background of the two research questions and their relevance, in Chapter 2, I present the body of literature relevant to this research. I provide an overview of different notions of citizenship and introduce research on irregularity. I focus on urban citizenship and frames of deservingness. Chapter 3 presents the methodology. Chapter 4 presents the case study, contextualises the research, analyses the collected data, and answers the stated research questions. Chapter 5 proposes points of attention that might help to reduce the identified challenges on a city level. Chapter 6 presents some conclusions with an outlook for further research.

Research questions

This research deals with the regularisation mechanism *arraigo social* in Spain and focuses on one of its key requirements, which is having a one-year work contract with a 40-hours-week. In the following, I explain how I conceptualised the topic and what academic and social relevance it has.

I approached the field and the phenomenon of irregularity and regularisations in Barcelona before deciding on the concrete topic and body of literature. I applied an inductive approach and used "snowball sampling" (Barglowski, 2018) to not exclude topics beforehand and let the people concerned create the focus. This is to be able to select a socially relevant topic. I identified some contacts, held informal conversations or interviews, and asked them for further respondents. As the case study is of a relatively small size, I was careful to use different entry points. This way, I avoided the concentration on only one network (Barglowski, 2018).

Then, after going back and forth between literature and the field, I worked out the main aspects, taking into account the gaps in the literature. From there and through further fieldwork, I formulated the two research questions previously mentioned. It became clear that *arraigo social* was a central regularisation path and that obtaining a work contract for *arraigo social* was one of the most challenging requirements, which justifies the focus of this research. Like this, I also avoided a top-

down approach and combined social and academic relevance, which follows the dual imperative Jacobsen and Landau (2003) mention for social science research on forced migration: the imperative of being academically and socially / policy relevant.

Concerning the academic relevance, I identified several gaps that this research aims to address. Multilevel analysis is frequently not applied to irregular migration and regularisation procedures. Bloch and Chimienti (2011, p. 1279) argue that to " provide a sensitive understanding of irregular migration, scholars need to combine a multilevel analysis, exploring irregular migrants' lived experiences, their interpretations and subjective experiences and their social and structural context, necessitating theoretically informed empirical studies". This statement leads me to identify a second gap, in which scholars rarely focus on irregular migrants' lived experiences during regularisation procedures. On the other hand, scholars must avoid the idealisation of local migration governance outside of a context and the uncritical approach to the local. Purcell (2006, p. 1921) conceptualise this idealisation as the "local trap". He argues that the local scale is not inherently more inclusive but it can be either more democratic or less democratic depending on the case and context (Purcell, 2006, p. 1921). Thus, in this research, I approach the city level critically and put the local governance into a wider context. Here, I focus on the migrants' experience. I contribute by proposing new and relevant aspects to the body of literature on urban citizenship and deservingness.

The focus on the local level in a broader context justifies Barcelona as the site of the study. "The city [of Barcelona] presents itself as ambitious about the inclusion of immigrants" (Gebhardt, 2016, p. 9). Barcelona is often held as a prime example of inclusiveness. The best practice cases, however, must be analysed critically. Other cities might imitate Barcelona's plans. Thus, the impact of policies is far-reaching, beyond the city of Barcelona. Barcelona is also an intriguing case as it " has, over the last 20 years, been a destination for significant international immigration flows, transforming the city into a culturally diverse metropolis" (Gebhardt, 2016, p. 9). The two last aspects also underline the social relevance. Then, the fact that being in an irregular legal situation can mean, among other, exclusion, precariousness, poor health, and limited mobility (Fanjul and Gálvez-Iniesta, 2020) also gives grounds to the research's social relevance.Thus, this research examines the concrete challenges irregular migrants in Barcelona face in getting regularised, as "papers" have a significant social impact. In analysing the challenges of obtaining a work contract, we can better understand where there is room for improvement for Spanish city governments with an inclusive approach to immigration and regularisations. These aspects further justify the social relevance of this research because they can translate into policy changes.

I examine academic articles on citizenship and deservingness frames to understand the phenomenon of restricted regularisation opportunities in relation to work contracts and the collected data. This literature is presented in the following chapter.

2. Theoretical Framework

In this paper, I analyse the challenges irregular migrants face in obtaining a work contract for regularisation by applying the notions of citizenship and deservingness and their interaction. I pay particular attention to the role of local governments. This research can be situated at the intersection of Migration Studies and Citizenship Studies. This interdisciplinary literature review provides an overview of the current academic discourses in these fields and identifies the main concepts relevant to analysing my data. Like this, I can also give grounds to the gaps mentioned in the introduction.

I first introduce the concept of citizenship and how it has developed from a classical understanding to scholars writing about other forms and layers of citizenship. I then present the theoretical contributions on irregularity and its multiple layers. Third, I dig deeper into notions of citizenship on a local level and discuss aspects of urban citizenship. Fourth, I present research on the nexus of irregularity and the concept of "deservingness", to work out the theoretical basis of the "good migrant" who deserves to get regularised. This overview allows me to profoundly discuss the challenges of finding a work contract suitable for *arraigo social* and what role these challenges play in the nexus of citizenship and deservingness.

2.1 Different notions of citizenship

In this subchapter, I present the current body of academic literature around the concept of citizenship as Bloch and Chimienti (2011, p. 1274) argue that irregular migration is intrinsically linked with the conceptualisation of citizenship. It is also essential to discuss this concept's notions as to better understand where to situate the different levels of immigration governance, such as the state and the city, as well as to conceptualise the frame under which irregularity appears.

Bauböck (2003) writes about the historical and etymological origins of citizenship and positions it in the city: "Athenian citizens were free, male and property owning members of a city-state who participated in the government of the polis" (Bauböck, 2003, p. 139). In the Roman Empire, citizenship had a different meaning. Bauböck (2003, p. 239) explains that citizenship "referred to a

legal status (rather than active political participation) and was no longer attached to a specific location". For the Greeks, this meant a reciprocal relationship of "rule and being ruled" (Yuval-Davis, 2007), whereas the Romans had specific rights and responsibilities (Yuval-Davis, 2007).

Bauböck (2003) then highlights that the modern conception of democratic citizenship comes from Europe in the late medieval age and that political autonomy was a feudal privilege claimed by the burghers of the free city. Their struggle for inclusion paved the way for the democratic citizenship of today (Bauböck, 2003, p. 139). With the construction of nation-states, the state officially had sovereignty over this inclusion or exclusion. For Bauböck (2003, p. 140), sovereignty is "an absolute power exercised by the state and citizenship is a uniform relation of individuals to this sovereign political power". Based on this, citizenship had no longer been situated in the city, and in the nation-state, we had see the two concepts of "rule and be ruled" and "rights and responsibilities" having become one (Cohen in Yuval-Davis, 2007, p. 562). It is interesting to keep these aspects in mind for the later chapters on urban citizenship, as citizenship had been conceptualised in relation to the city, then to the nation-state and back to a mixed form, including again the city level.

Going beyond the origins of citizenship, Marshall (1950) considers the relationship between citizenship and social class. He highlights the possession of civil, political, and social rights as indicators of citizenship (Marshall, 1950). Cohen (1999) then formulates that the assumption of the three forms of citizenship being united in the democratic welfare state was the "modern" paradigm of citizenship for a long time. The political principle of democracy, the juridical status of legal personhood and a form of membership and political identity would no longer conclude in one only form of citizenship (Cohen, 1999). He argues that "[g]lobalization, new forms of transnational migration, the partial disaggregation of state sovereignty and the development of human rights regimes have rendered this model anachronistic" (Cohen, 1999, p. 245). Thus, new conceptualisations of citizenship have emerged.

Today, even more aspects need to be considered. Current scholars raise and answer questions such as: What is gendered citizenship (Yuval-Davis, 1997)? What are the contradictions of the liberal state's conceptualisation of citizenship (Hampshire, 2014)? What role do societal positions and their intersections play concerning citizenship (Yuval-Davis, 2007)? What about regional European citizenship (Soysal and Soyland, 1994), civic citizenship (Bell, 2007), cosmopolitan citizenship (Linklater, 1998), and urban citizenship (Bauböck, 2003; Varsanyi, 2006)? Is it only the legal status that matters or also a sense of belonging (Yuval-Davis, 2007)?

Yuval-Davis (2007, p. 561) even argues that "focusing on issues of citizenship in the contemporary political context is somewhat misleading and that we need to situate citizenship in the

wider context of contemporary politics of belonging which encompass citizenships, identities and the emotions attached to them". What are civil rights, and what are human rights (Faist and Kivisto, 2014)? Is there discrimination in the nexus of migration and citizenship (Ellermann, 2020)? These questions cannot be explained in detail here and are not the focus of this research, but the reader should feel encouraged to make connections between the findings of the research and the questions raised above. The questions can also be a good starting point for further research on regularisations and *arraigo social*.

The meaning of citizenship has changed throughout the centuries, and citizenship has many dimensions to consider. An overview helps to understand the research first because citizenship is now, by some scholars, conceptualised again in relation to the city (see Chapter 2.3). Secondly, one consequence of the exclusion of legal citizenship is irregularity. This is discussed in Section 2.2.

2.2 Different notions of irregularity

I now want to turn to a related reality of citizenship, which is irregularity. Various legal frameworks, public/political discourses and individual experiences connect to this human-made phenomenon of "irregularity". I provide an overview of the recent academic discourse, but I do not claim that there is only one valid form or definition of irregularity. Still, this section shall be the basis of how I understand irregularity in this research: as a constructed, multidimensional phenomenon.

What can be agreed on is that irregularity in the EU concerns multiple actors such as governments, non-governmental organisations (NGOs) and employers. First, because of the high numbers of irregular migrants in the EU and second, because of migration management, human rights, and labour dynamics (Bloch and Chimienti, 2011, p. 1272). The European Commission (2022) defines irregular migrants as follows:

> In the global context, a person who, owing to irregular entry, for breach of a condition of entry or the expiry of their legal basis for entering and residing, lacks legal status in a transit or host country. In the EU context, a third-country national present on the territory of a Schengen State who does not fulfil, or no longer fulfils, the conditions of entry as set out in the Regulation (EU) 2016/399 (Schengen Borders Code) other conditions for entry, stay or residence in that EU Member State.

It is also commented in a footnote under their definition that the term "irregular migrant" should be preferred over "illegal migrant" as being in a country with an irregular legal status is not a "criminal offence but an infraction of administrative regulations" (European Commission, 2022). Nevertheless, they also state "clandestine migrant", "illegal migrant", "undocumented migrant", and others as

synonyms of "irregular migrant" (European Commission, 2022). These expressions are less neutral and discriminatory (Spencer and Triandafyllidou, 2020, p. 15).

Spencer and Triandafyllidou (2020, p. 1) conceptualise irregularity in their book "Migrants with Irregular Status in Europe" as "a multi-faceted status with life changing implications for individuals as well as a driver of innovative policy change that has created friction in multilevel governance relationships particularly between local and national authorities". They highlight that there is no clear line between regularity and irregularity, and the experiences of irregularity vary. This multifacetedness shall be explored in 2.2.2 and throughout the whole paper. It is important to note that differentiation can already be made between irregular entrants and irregular residents (Kovacheva in Triandafyllidou and Bartolini, 2020, p. 15). As this research focuses on the regularisation opportunities for people already staying in Spain for at least three years to qualify for *arraigo social*, the following focuses on irregular residents. I now turn to why migrants might end up with irregular legal status.

2.2.1 Reasons for irregularity

Bartolini and Triandafyllidou (2020b) give an overview of different reasons to be in an irregular legal situation and enumerate several scenarios. Among others, there are, for example, "persons who lose their residence status because they no longer satisfy the conditions that initially granted the permit" and "persons who never had a regular status because they entered illegally and couldn't find a way of regularizing their status" (Triandafyllidou and Bartolini, 2020b, p. 16). There are "persons [who] entered illegally but are registered with public authorities", or who have "been denied protection after lodging an asylum application" (Triandafyllidou and Bartolini, 2020b, p. 16). Bloch and Chimienti (2011) comment on the different experiences of irregularity, how it can also be a process or strategy to migrate and that it must not always be the final state people find themselves in. Thus, irregularity exists because of many reasons, but one of them is that it is increasingly difficult to migrate to the EU in a legal manner (Bloch and Chimienti, 2011, p. 1272). The aspect of the construction of irregularity is discussed under point 2.2.3. First, I look at different and multiple experiences of irregularity.

2.2.2   Multifacetedness of irregularity

As mentioned above, irregularity is a social phenomenon that is not just explained in one way. It is multifaceted. Neither is there a clear line between regularity/irregularity. Many migrants "fall back" into irregularity because of, for example, "short-term residence permits – and the fact that their prolongation is contingent on a formal work contract" (Bruquetas Callejo et al., 2011, p. 302). Spencer and Triandafyllidou (2020) identify this non-binary dimension as well. They explain:

> While a structural feature, irregularity is […] fluid in its forms and implications. Irregularity itself has long been recognised by scholars as a multi-faceted status: not a false binary of legal-illegal, regular-irregular, but shades of grey: degrees and types of irregularity and semi- regularity, including 'befallen' regularity, where the rules are, for the migrants, impossible to fulfil or create conditions in which periods of regularity lapse intermittently into irregularity (Spencer and Triandafyllidou, 2020, p. 209).

This fluidity between the categories is also underlined by Chauvin and Garcés-Mascareñas (2014), who explain how informal agreements might lead to formal outcomes, although these agreements might be illegal. This might be, for example, an informal agreement between an irregular migrant and an employer over a work contract without effectively having work relations. The irregular migrant might obtain a formal residence permit through this. However, if this activities were detected, they would be framed as illegal.

Two central frameworks explaining why one might risk illegal activities to get a residence permit are the deportability, and detainability migrants must often face. It is a constant threat of being detained and even deported (De Genova, 2002). Consequently, one might think that irregular migrants are invisible to decrease the risk of being detected and possibly deported. However, recent studies, show that there is a "myth of invisibility" (Chauvin and Garcés-Mascareñas, 2014, p. 425). Irregular migrants work, go shopping and move around the city like many others do. "The "illegal" is believed to be invisible, then anyone who is visible is perceived as legal" (Chauvin and Garcés-Mascareñas, 2014, p. 425). Chauvin and Garcés-Mascareñas (2014) interpret this reality as camouflaging instead of being invisible.

The everyday realities and what rights irregular migrants have also differ between individuals and depend on the EU state of residency. In Spain – for example – Chauvin and Garcés-Mascareñas (2012, p. 245) find the following paradox: "[W]hile not recognizing undocumented migrants as legal residents, national law requires them to register in municipalities. "Documented" illegals can then legally access health and education facilities". Still, social services often remain restricted and sometimes, the everyday life of the people concerned is a state of being occupied with fulfilling "basic needs". Chimienti and Solomos (2020, p. 102) argue that "as long as they are in a situation of vulnerability, 'irregular migrants' will not be able to afford political and transformative claims and

that their supporters need to attend to their basic needs or risk overshadowing their social suffering". Thus, the claims to become regularised might also be secondary to basic needs.

Having the economic means to pay for housing, food, and services, is crucial and adds class dimensions to everyday life's experience. The dynamics of irregularity and regularisations opportunities are differently experienced depending on other social positions the people concerned find themselves in. This follows the logic of intersectionality mainly coined by Kimberlé Crenshaw and Patricia Hill Collins in academia. Crenshaw (1991) writes in her influential essay on violence against women of Colour: "Unfortunately, the analytical framework that have traditionally informed both antirape and antiracist agendas tend to focus only on single issues". The discrimination experiences of Black women intersect. Being a women and Black must be addressed together (Crenshaw, 1991). Intersectionality includes social markers such as race, gender, class, disability, sexual orientation, and others. (Structural) discrimination is constructed along these lines, and unique opportunities are influenced by these markers, which probably influences the opportunities to claim rights while being in an irregular legal situation and going through regularisation procedures.

Reasons and experiences of irregularity are multiple, as presented in this chapter. In the following chapter, I discuss the construction of irregularity.

2.2.3 Construction of irregularity

To understand the context of regularisation procedures, I also want to provide an understanding how irregularity is constructed. Düvell (2011, p. 276) summarises that "irregular migration is not an independent social phenomenon but exists in relation to state policies and is a social, political and legal construction". Bloch and Chimienti (2011, p. 1274) explain this "by the fact that irregular migration is intrinsically related to immigration policy, border controls, and definitions of citizenship by nation-states". So, states construct policies along these lines, creating the category "irregular" in the first place.

Hampshire (2014) identifies a liberal paradox between different layers of the liberal state, regarding immigration policies, which is the broader frame of the construction of irregularity. The paradox produces immigration policies to be more restrictive or somewhat open. The four constitutive factors of the liberal state are, according to Hampshire (2014), nationhood, representative democracy, constitutionalism, and capitalism. "[Each] of these factors […] captures a distinct constellation of actors, institutions and ideas which combine to produce dynamics of openness and closure across immigration, citizenship and integration policymaking" (Hampshire, 2014, p. 3). Nationhood and

representative democracy would tend to restrictiveness, whereas capitalism and constitutionalism would tend to openness (Hampshire, 2014). The liberal principles of constitutionalism are, according to Hampshire (2014, p. 7), individual freedom, equal treatment, and human rights.

I can be argued that more restrictive immigration policies construct more, or at least do not reduce, irregularity as the legal channels of entrance and residence are less accessible. Bloch and Chimienti (2011) also underline this aspect, referring to Triandafyllidou (2010). Policies repressing migration cannot prevent irregular entries and irregular stays. It only makes the experiences, characteristics and modes of irregularity more diverse (Bloch and Chimienti, 2011, p. 1275). De Genova (2002) goes further and argues that restrictive legal frames "illegalise" migrants. He proposes the term "irregularization" in order to describe the historical and political dimensions of irregularity as well and to underline that the irregular status is constructed (De Genova, 2002).

Unfortunately, the construction of irregularity is also influenced by social inequalities. Ellerman (2020, p. 2564) points out that "the feminist, critical race, and critical legal scholarship that has emerged since the 2000s has made it clear that we have good reason to doubt that we live in an era of non-discriminatory immigration, integration, and citizenship policy". These legal instruments create a filter and show that some irregular migrants are received differently than others, as well as their opportunities to get regularised (Ambrosini, 2016, p. 144). Irregularity might even be constructed in a way to exercise power and control, as De Giorgi (2010, p. 160) argues:

> [D]espite the ongoing rhetoric of the 'war against illegal immigration' – so powerful in Europe as well as in the USA – the criminalization and illegalization of unauthorized immigrants relates to a wider strategy of regulation whose aim is not to keep unwanted immigrants out, but to let some in and keep them under conditions of institutionally sanctioned subordination.

What is mentioned by De Giorgi goes hand in hand with an inevitable subjectivity of the law, as well as with the state's "slow violence" in relation to the UK's asylum system (Mayblin et al., 2020). The latter was proposed by Mayblin, Wake and Kazemi (2020) in order to describe the violence exercised by the UK towards asylum seekers. Impoverishment would harm asylum seekers on an everyday basis. However, the state would still officially fulfil its obligations under human rights (Mayblin et al., 2020). Here, the state thus constructs the vulnerable situation of asylum seekers.

The dynamics mentioned in this chapter are also linked to deservingness frames (discussed in Chapter 2.4) and to labour market dynamics. The "chicken and egg dilemma" (Triandafyllidou and Bartolini, 2020a) of irregular migration and irregular work is discussed in the next chapter.

2.2.4   Irregular migration and employment

Triandafyllidou and Bartolini (2020a) write in their chapter "Irregular Migration and Irregular Work: A Chicken and Egg Dilemma" about the connection between irregular migration and undeclared work. Frequently these phenomena are linked with far-reaching consequences: "The connection between undeclared work and irregular migration often combines in an explosive mix that stirs anxieties about state's control over migration flows, labour market regulation, unfair competition with native workers, and lost revenues for the state" (Triandafyllidou and Bartolini, 2020a, p. 139). But before going into the theorisation of the narratives, I want to understand why and how these phenomena are often connected.

In Figure 1, taken from the chapter "Understanding irregularity" (Triandafyllidou and Bartolini, 2020b, p. 19), the total resident population by work status, citizenship, and residence status is depicted. It is visible that the population of irregular foreign residents and irregular workers overlap.
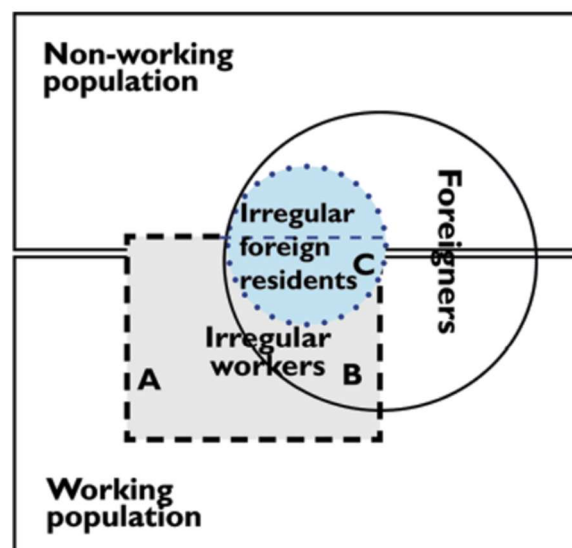
Fig. 1 *The overlapping of irregular workers and irregular foreign residents (Triandafyllidou and Bartolini, 2020b, p. 19).*

The overlapping is especially distinctive in specific work sectors, as some sectors tend to have a higher percentage of informal labour. Triandafyllidou and Bartolini (2020a, p. 144) explain:

> Indeed, migrants who find themselves in an irregular position both with regards with their residence and their employment condition are more likely to be found in certain specific sectors of the economy […] reinforcing dynamics of exclusion from the formal sphere of social and economic life migrants whose presence is somewhat known and tolerated from the authorities.

One example of this is the care sector discussed by many scholars, where I can also make a bridge to decolonial and postcolonial thought in connection to gender: Gutiérrez-Rodríguez (2014, p. 45) discusses "domestic work […] as affective labor surfacing at the juncture of feminization and coloniality". She brings together the aspects mentioned above and proposes the term "coloniality of labour":

> In the case of migrant women, migration policies play a significant role in determining their access to the labor market. It is through migration policies that differences are established between the national (citizen) and the newcomer (migrant) populations. Thereby, this process of differentiation reactivates a mental matrix that is rooted in colonial racial classification (Gutiérrez-Rodríguez, 2014, p. 48).

To understand what coloniality means, Quijano's classic work on the coloniality of power is key. He explains that two dynamics occurred during colonial times that still affect today's power relations: First, he highlights the difference between the conquerors and the conquered based on "race", and second, the new structure of control over labour, resources, and products (Quijano, 2000). "A new technology of domination/exploitation, in this case race/labor, was articulated in such a way that the two elements appeared naturally associated. Until now, this strategy has been exceptionally successful" (Quijano, 2000, p. 537). He highlights that this model is a global phenomenon and touches all spheres of life today, especially in the sphere of labour. It is essential to understand the link between the capitalist system and coloniality as being intrinsic to the relationship of Europe with formerly colonised countries: "Consequently, all of these forms of labor were part of a new model of organization and labor control. Together these forms of labor configured a new economic system: capitalism" (Quijano, 2000, p. 550).

Gutiérrez-Rodríguez builds on the idea of the coloniality of power and also proposes coloniality of migration. She explains:

> Migration within the emergence of the modern nation-state in the nineteenth century in former European colonies illustrates the divide created between the insider and outsider of the nation. This divide evokes the logic of coloniality, as it creates a racial difference between the insiders, considered members of the nation, and the outsiders, considered "migrants." Thus the dichotomy between citizens and migrants is embedded in a racializing logic produced within social relations shaped by the enduring effects of colonial epistemic power. It is in this regard that I have proposed the framework of the coloniality of migration in order to analyze migration policies (Gutiérrez Rodríguez, 2018, p. 25).

Grosfoguel (2006, p. 87) then argues that everyone has internalised these dimensions and that "no cultural nor epistemic tradition" can be thought of without the idea of Europe's modernity. He says that "[a]ll were affected by Eurocentered modernity and even aspects of Eurocentrism were also internalized in many of these epistemologies" (Grosfoguel, 2006, p. 87). Consequently, irregularity and irregular work are influenced by these ideologies.

Returning to the two phenomena's relation, which is described by Triandafyllidou and Bartolini (2020a, p. 149) as a vicious circle "of irregular stay and informal employment until a regular

occupation is found with characteristics that allow them to regain their regular migration status". This vicious circle can be severe depending on different forms of status. It produces a hierarchy with all types of irregularity and two extrema: "At one end of the spectrum are those who combine all types of irregularity (irregular entry, residence, work and illegal practices) while at the other end is the 'perfect' citizen" (Düvell in Bloch and Chimienti, 2011, p. 1277). Bommes and Sciortino (2011) add the notion of "foggy social structures" to this discourse and define this as "an interrelated, complex phenomenon embedded within the recesses of the imagined 'transparent society'". They refer to the irregular migrants' capability to navigate informal networks of general social structures such as work (Bommes and Sciortino, 2011). The dynamics between irregular stay and irregular work are linked to frames of deservingness, which I theorise further in 2.4, after presenting the local level in relation to citizenship and migration governance.

2.3 The local level and citizenship

The often restrictive approach to citizenship and immigration on the national level has led to more open approaches to the membership at the local level. In the last decades, forms of resistance from the part of the city have emerged. Chauvin and Garcés-Mascareñas (2012) discuss different forms of local citizenship. They name formal forms of citizenship on the local level, which are illegal on a national level. Bureaucratic incorporation is cited for humanitarian and safety reasons, sanctuary areas in the USA, rebellious cities in France and the Netherlands, and urban citizenship. In the following section, I discuss some of these local approaches.

2.3.1   Sanctuary cities and municipalities

Cities declaring themselves "sanctuary cities" is one form of local initiative promoting immigrant inclusion. They found their start in the USA in order to protect immigrants from deportation (Darling, 2017). The cities followed, for example, a "don't ask, don't tell" approach, instructing officers not to inquire people about their immigration status (Garcia, 2009, p. 4). This means that migrants, along with the members of society that support their actions, try to reverse the situation of partial – if it is present at all – citizenship that is assigned to them and find spaces for action within the established power dynamics (Mescoli, 2021, p. 297). Sanctuary cities also show openness on a policy level and sometimes grant certain rights. Lambert and Swerts (2019, p. 91) claim:

> Sanctuary policies are regularly interpreted as expressions of urban citizenship because they safeguard immigrant rights at the city level and often implicate a certain degree of protection against the risk of arrest and deportation. Furthermore, such policies tend to circumscribe the extent to which undocumented city residents can make use of local initiatives in domains like welfare, work, education, culture, transportation and community participation, despite their illegalized status.

In Spain, these aspects are played out and theorised on a municipal level, because the national framework allows some room for manoeuvering concerning *el padrón*, the municipal register, and consequently, social services. "Municipalities have two main competencies […]: the incorporation of foreigners into the census and the provision of social services and social inclusion. Municipal censuses are the key instrument to do so" (Fernández-Suárez and Espiñeira, 2021, p. 58). Some of the specific areas in which municipalities are responsible are "housing, healthcare services, security, cultural and educational promotion, economic promotion through labour training and programs for children, youth, gender equality and seniors" (Fernández-Suárez and Espiñeira, 2021, p. 58). Another aspect of municipal competence is the final definition of integration, thus checking social rootedness for *arraigos*, managing family reunification and the general accompaniment in immigration procedures (Fernández-Suárez and Espiñeira, 2021, p. 58).

Thus, there are different lines and competencies in the cities and municipalities can be used in order to create a space of sanctuary. But what does this mean in relation to citizenship and the city? In the following section, I discuss urban citizenship to answer this question.

2.3.2 Notions of urban citizenship

Municipalities can create forms of citizenship on a city level, conceptualised by many scholars as "urban citizenship" (Zapata-Barrero, 2017; Gebhardt, 2016; Bauböck, 2003). Bauböck (2003, p. 150) writes that cities and municipalities are based on the principle that "membership is acquired through residence and lost in the same way through abandoning residence". This contrasts with the national level, where citizenship is based on *Ius sanguinis*, *ius solis,* or naturalisation procedures. Gebhardt (2016, p. 2) argues that cities can "use their prerogatives of self-government and the remits gained through decentralisation to set their own priorities, interpret, modify and even disobey national policies without the state calling an emergency to bring them back in line".

Although based on a different general approach as mentioned above, urban citizenship can be analysed through similar features as national citizenship. These features are the constitutive membership, rights and identity: "Status defined as membership of the urban polity; rights that are granted as a consequence of membership; and identity that flows from (this) membership" (Gebhardt, 2016, p. 4). Gebhardt (2016) also mentions participation as a fourth aspect to consider. A more

holistic approach to urban citizenship, and its potential for a far-reaching change, could be the marker of the difference between the concept of urban citizenship and the concept of sanctuary. The sanctuary might only remain symbolic and can even be a means of control: "Seen through this critical lens, the language of the sanctuary city becomes less one of rights to urban citizenship and more an additional means to govern the presence of irregular and forced migrants" (Darling, 2017, p. 185). However, the concepts cannot be separated with a clear line.

Like the scholars mentioned in the previous chapters, I interpret forms of urban citizenship as resistance against state power and national immigration policies. In the next chapter, I discuss this aspect and other forms of resistance that can play a role in the experience of irregularity and in the process of regularisation.

2.3.3 Resistance and irregularity

As I have presented above, the city government can be an actor of resistance by creating sanctuary areas or granting an urban form of citizenship. To further understand the context of *arraigo social*, other forms of resistance in the city must be considered. Resistance can come from the part of the city's civil society and individuals. They are multiple in their forms. Stierl (2012, p. 433) identifies three forms of resistance when analysing the German movement "No one is illegal": "taking initiative", "breaking the silence", and "listening". Especially the first form of resistance, "taking initiative", is vital for this research as the concrete actions, promoting the access of a work contract suitable for *arraigo social*, counts: "In 'taking initiative' by providing sans-papiers with medical care, shelter, and access to lawyers, the network subverts the logic of sovereignty in disputing the modern state's ability to determine who to include or exclude" (Stierl, 2012, p. 433).

Cooperatives can also be considered a form of resistance: Wiksell (2021) analyses the potential for social change in worker cooperatives in Sweden. She focuses, among others, on "constructive resistance" and "critical resistance". I emphasise the constructive resistance, understood as

> opposition to undesired forms of power by enacting, in the here and now, an alternative reality according to other ideals. Constructive resistance is conceptualized as such regardless of the intentions behind the practices, the practices' eventual successfulness in undermining power, and the subalternity of the resistance actor. Instead, the focus is on the actions and their potential to undermine power (Wiksell, 2021, p. 127).

However, she further argues that resistance can also appear mixed in its forms, as resistance can co-opt with the oppressive forces (Hoy in Wiksell, 2021, p. 127). Resistance cannot always undermine power completely. Resistance rather "encompasses practices that can offer resistance in some aspects and reproduce power in others" (Wiksell, 2021, p. 159).

Furthermore, resistance is not easily accessible to everyone. Concerning irregular migrants, Ellermann (2010, p. 409) writes about "resistance by those without legal standing". She says that individual resistance on the part of people with an irregular legal status must find micro-scale forms of resistance:

> Even in spaces of greatest powerlessness, I contend, resistance is possible. Yet rarely do acts of noncompliance by those on the polity's margins amount to collective acts of civil disobedience. Rather, for migrants without legal standing, the scope of feasible resistance falls far short of the resource-demanding standard of organized political action (Ellermann, 2010, p. 409).

The different forms of resistance connect to irregularity and the challenges irregular migrants face, as the national law does not stay uncontested. How are these challenges confronted? However, the last two aspects of mixed forms of resistance and the partial inaccessibility of resistance for irregular migrants also show the limits of resistance. Thus, in the following section, I discuss the limits of urban citizenship.

2.3.4   Limits of urban citizenship

When theorizing migration governance, one must also consider its limits and, here, the limits of urban citizenship. The urban should not be automatically seen as more inclusive or more democratic than other levels of governance. Purcell (2006) warns researchers about this and conceptualises the false assumption as the "local trap" (Purcell, 2006). He states that "[l]ocalisation can lead to a more democratic city, or a less democratic one. All depends on the agenda of those empowered by a given scalar strategy" (Purcell, 2006, p. 1922). Resistance can, for example, co-opt with forces of power (Wiksell, 2021), as I have demonstrated above. When I identify urban citizenship as a form of resistance to national frameworks, I can also interpret the mixed form as a limit. Valentine (2008, p. 325) criticises the idealisation as well: "Some of the writing about cosmopolitanism and new urban citizenship appears to be laced with a worrying romanticization of urban encounter and to implicitly reproduce a potentially naïve assumption that contact with 'others' necessarily translates into respect for difference". This can be translated to the case study presented in this paper, as well as to a legal framework: the romanticisation that urban citizenship necessarily produces positive outcomes for irregular migrants and better access to regularisations.

Darling (2017, p. 187) also raises some concerns related to violence in the city and the uneven positioning in the dynamics of urban citizenship:

> Any consideration of forced migration and the city must be wary of romanticizing urban politics for at least two reasons. Firstly, because cities are often themselves encountered as sites of intra-urban displacement, violence, and transit [...]. Secondly, because accessing means of urban politicization is itself uneven. For

those forced migrants without formal status, the risks of political enactment are far greater than for those with (even conditional) refugee status or documentation […]. A concern with the political potential of the city must thus recognize the ambivalence of differently positioned forced migrants.

These different positions and limits are not only a problem on the legal level, but also networks can have a positive or negative influence on individuals. Böcker (1994), for example, writes about bridgeheads and gatekeepers in the context of chain migration. This can be transferred to the situation of irregular migrants' path to regularity being blocked (gatekeepers) or supported (bridgeheads) by other migrants. Bloch and Chimienti (2011, p. 1279) also argue that scholars frequently overestimate the power of the city, as the final grantor for legal status is the state. Gebhardt (2016, p. 2) mentions that one should not idealise the city's autonomy and inclusiveness when discussing urban citizenship. Promoting urban citizenship might even be a diversion from more radical change. Varsanyi (2006, p. 239) argues:

> But until having (or not having) the status of nation-state citizen (or at the very least, legal resident) has power over the lives of individuals, urban citizenship is perhaps a means of maintaining marginalization (albeit in a different form than "illegal" status) and a diversion from a project which could instead challenge the present exclusions inherent to nation-state citizenship.

To summarise, urban citizenship is a valuable and important frame and can be a form of resistance. However, it should not be the only frame. Apart from the limits mentioned here, the local level can even be instrumentalised for implementing restrictive national policies, which is one of the foci of the following section.

2.3.5 Multilevel governance

Local in migration governance also holds the restrictive side of the coin: migration management and control are dictated by the national government, and the city must follow. Ahouga (2018, p. 1524) argues that migration governance and management was long seen as only practised internationally and nationally. Nevertheless, since an agreement between main migration actors such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) in 2008, the local importance of migration governance has been acknowledged. This can be conceptualised as the "local turn" in migration governance (Ahouga, 2018, p. 1524). The local level can then be instrumentalised to put restrictive national policies into practice.

Schweitzer (2022, p. 1) also explores this on a micro level "whereby the individual teacher, social worker, or health centre receptionist acts not just as a person, but also as a public employee who fulfils a certain role for the welfare system". These relationships are complex and multilevel analysis is needed to understand the phenomenon of irregularity and regularisation fully.

Zapata-Barrero (2018) argues that cities and states, although interdependent at some point, do not always hold the same narrative on immigration and integration. "[T]he fact that cities can be active agents producing different narratives, is a path of analysis in multilevel migration studies" (Zapata-Barrero, 2018, p. 84). These multidimensions can also be a chance for mobilisation, which Mescoli (2021, p. 289) also mentions: "The multi-level and multi-actor system of migration governance, as well as the policy "grey areas" and gaps that derive from it, shape political opportunities for mobilization". There is the local, regional, national, and even supra-national level and their relationships which can be mobilised for change and have to be considered in migration studies (Mescoli, 2021, p. 289).

There is a "local turn" and, at the same time, an "Europeanization" of migration and integration policies that have to be taken into account (Scholten and Penninx, 2016, p. 91). This is especially notable in the superdiverse cities of Europe. Scholten and Penninx (2016) name, for example, Barcelona among other cities such as Berlin, Rotterdam and London. These cities would "have taken policy directions very different from their national governments, resulting in a "decoupling" of national and local policies" (Scholten and Penninx, 2016, p. 92). The EU also tried to recognise the local level in developing "various soft governance measures aimed at promoting policy learning between local governments" (Scholten and Penninx, 2016, p. 92).

Having discussed some notions of citizenship and irregularity on multiple levels and dimensions, I now want to turn to the often-envisaged step for irregular migrants, regularisation. As it is a fact that regularisation is not possible for everyone in the same way, I want to discuss regularisations in relation to the frame of deservingness.

2.4 Regularisations and deservingness

2.4.1   The concept of deservingness

The deservingness frame has been used in several contexts analysing the requirements and characteristics one must present to "deserve" services or get a status. This counts, for example, for activation policies (Gielens et al., 2019) or in the context of migrants "deserving" health services (Huschke, 2014). Regarding, citizenship Chauvin and Garćes-Mascareñas (2014, p. 422) identify that governments "may simultaneously emphasize deservingness frames while limiting irregular migrants' opportunities to deserving, effectively making deservingness both a civic obligation and a civic privilege".

This goes hand in hand with "earning" citizenship: Van Houdt, Suvarierol and Schinkel (2011) identify a new strategy arising out of citizenship techniques used in France, the UK and the Netherlands, which they conceptualise as neoliberal communitarianism. They argue that "neoliberal communitarianism leads to convergence in policies of citizenship in these countries while allowing space for divergence based on politico-cultural and institutional path dependency" (van Houdt et al., 2011, p. 410).

Who is deserving? Who is a "good" potential citizen? The opposite of the "good" citizen is the criminal, illegal citizen: Chauvin and Garcés-Mascareñas (2012a) explain that the construction of "bad illegals" led to the construction of "good illegals" and how the USA works to deport criminals before other irregular migrants. These dynamics are also mentioned by Calavita (2003). Calavita (2003, p. 400) also remarks that some immigrants are even punished only for being irregular immigrants: "To put it another way, the punishment that illegal immigrants endure for their illegality is that they are denied full economic rights. And it is this penalty and the economic marginalisation it helps constitute that shore up the 'flexibility' immigrants provide the post-Fordist".

Chauvin and Garcés-Mascareñas (2012, p. 247) conceptualise this phenomenon as "the moral economy of illegality": "The expression "moral economy of illegality" refers to the discourse–policy nexus regulating the construction of irregular migrants as more or less illegal". It theorises "the operations by which unauthorised residents are being framed both as civic culprits to be punished and as civic minors expected to deserve present and future membership through good moral, economic, and bureaucratic performance" (Chauvin and Garcés-Mascareñas, 2012, p. 247). In the following section, I discuss these logics of deservingness based on cultural and economic requirements.

2.4.2   Cultural expectations and employment

Chauvin, Garcés-Mascareñas and Kraler (2013a) link the concepts of migrant employment, neoliberalism, and civic deservingness, thus between employment and cultural expectations. They highlight three critical dimensions in this matrix: The paradox of opening the borders for goods and closing them for people, the facilitation of complex subcontracting structures in the labour market, which make it difficult for states to control labour and the "workfarist" dimension, seeing employment as a civic obligation, which marks the difference between deserving and non-deserving (Chauvin et al., 2013).

Chauvin, Garcés-Mascareñas and Kraler (2013a, p. 82) also highlight the "culturalization" of deservingness and explain: "But as gainful employment, self-sufficiency, and the performance of

reliability within precarious labour markets are defined as key civic duties within workfare regimes, they have increasingly come to be framed as cultural requirements as well". There are, for example, the requirements of "noncriminal conduct, economic reliability, fiscal contribution, identity stability, and bureaucratic traceability (paying taxes, registering at the city level, holding a job contract, maintaining the same forged social security number over time, etc.)" (Chauvin et al., 2013, p. 82) in order to be deserving.

Ellermann (2020, p. 2467) introduces the concept of human capital-citizenship: "Through the acquisition of language skills, civic knowledge, financial savings, and full-time employment, immigrants can increase their human capital and demonstrate their capacity for socioeconomic and cultural integration and, thus, their deservingness of membership". Bourdieu's (2018) different forms of capital are connected to this. However, Bourdieu prefers the categorisation of social, cultural, and economic capital. Interesting for this research is how he defines social capital being a "network of relationships" which "is the product of investment strategies, individual or collective, consciously or unconsciously aimed at establishing or reproducing social relationships that are directly usable in the short or long term" (Bourdieu, 2018, p. 22). He says that consecration is necessary, the symbolic constitution of a relationship. Cultural capital is for Bourdieu (2018, p. 17) "long-lasting dispositions of the mind and body […], cultural goods (pictures, books, dictionaries, instruments, machines, etc.) and academic qualifications" (Bourdieu, 2018, p. 20).

In these dynamics Ellermann (2020), emphasises that belonging, and membership are to be placed on a continuum and that class and race can intersect. Additionally, she identifies vertical and horizontal stratification of legal status. She points out that precariousness is not only bound to the classic groups of precarious migrants (not only irregular migrants and temporary migrants but also permanent residents and citizen residents) (Ellermann, 2020).

Having discussed the cultural and the employment dimension in the deservingness frames, I now turn specifically to the deservingness frame in regularisation procedures.

2.4.3   Deserving to get regularised

Chauvin, Garcés-Mascareñas and Kraler (2013b) point out the importance of labour in regularisation procedures in the EU focusing on Belgium, Spain, Austria and France. They also discuss how the role of labour in regularisation is embedded in other processes of social integration, which need to be assessed in order to understand "earned regularization"(Chauvin et al., 2013b). They warn that this nexus can be a risk depending on the economic situation in the country: "This new

cultural-employment nexus can present opportunities for migrants, especially in times of economic growth. But the same logic of employment-based integration can turn into a system of exclusion during recession or crisis" (Chauvin et al., 2013b, p. 127).

Chauvin, Garcés-Mascareñas and Kraler (2013b) then differentiate between work-based and humanitarian regularisation procedures in the EU and underline the importance of labour in both: "[The] growing importance of employment in both work-based and humanitarian regularization to broader societal shifts […] have rendered employment and employability key elements of deservingness and "good citizenship" for migrants as well as non-migrants" (Chauvin et al., 2013b, p. 119). On Spain, they write that employment is seen as proof of integration, compared to France, where it would stand for a "personal virtue", and for Austria as "simply needed" (Chauvin et al., 2013b, p. 120). Since the new legal adoptions in Spain in 2005, employers became key figures in regularisation procedures: "If local NGOs often played a key role in issuing – and sometimes even forging – evidence of applicants' presence during prior regularizations, in 2005 producing proof of employment remained in the hands of employers" (Chauvin et al., 2013b, p. 121). The employers even get such a central role that regularisation is only possible with their cooperation (Chauvin et al., 2013b).

Chauvin and Garcés-Mascareñas (2014, p. 429) argue in another article: "If work is the duty of all citizens, […] governments must spend a high amount of discursive inventiveness to simultaneously turn it […] into a privilege only accessible to citizens". This quote shall be the transition to the empirical part of this research as it sums up well the starting point of the case of *arraigo social*. This policy can be situated in the nexus of cultural and economic deservingness and citizenship.

3. Methodology

The research is based on ethnographic data collected in Barcelona between December 2021 and May 2022. In the following section, I provide insights into the research strategy that I followed, and discuss my methods, the analysis, and the research's limits. Finally, I position myself as a researcher.

3.1 Research strategy

During my master's program and having talked to NGO's, policy makers and people concerned, I got interested in regularisation opportunities and the challenges migrants face in getting regularised in Spain. Obtaining a work contract turned out to be one of the main obstacles for irregular migrants in Barcelona in the regularisation mechanism *arraigo social*. From there, I decided to do qualitative research in the form of a case study in Barcelona, approached inductively.

The choice for qualitative research was made since, although dealing with legal frameworks, the experience of migrants is affected by the law and not easily put into numbers. Notions of the concepts of citizenship and experiences in the given social context were central, which gave further grounds for my choice of doing qualitative research. This argument also led me to the choice of doing a single case study, as Zainal (2007, p. 1) states: "Case study research, through reports of past studies, allows the exploration and understanding of complex issues. It can be considered a robust research method, particularly when a holistic, in-depth investigation is required". Following Zanail's indication (Zainal, 2007), a small geographical area was selected: the city of Barcelona. The timeframe was set as a snapshot of the situation in 2022, as well as the decision to do a case study in order to profoundly understand the experiences of irregular migrants in the given context. I organised my data on the platform Cassandre, designed by Lejeune (2019). I followed his manual "Manuel d'analyse qualitative: Analyser sans compter ni classer" (Lejeune, 2019) throughout the entire research process. This was especially helpful as the research process was conducted circularly, approaching the field, mobilizing academic literature, and assessing the collected data.

3.2 Methods

As mentioned in the introduction, I approached the field inductively and explored the case through "snowball sampling" (Barglowski, 2018). I collected data through informal conversations, the viewing of reports and statements, and observations. This allowed me to understand better the relationships of the different variables connected to this case study and gave me an indispensable overview. However, the in-depth analysis in Chapter 4 is based on the data derived from eight semi-structured interviews.

The decision of semi-structured interviews was based on the fact that relevant information can be gathered for a relatively concrete topic and at the same time, assure some flexibility in the dynamics of knowledge production. Zapata-Barrero and Yalaz (2018, p. 173) state: The "interviewer ensures that respondents remain close to the topic, but often leaves enough space for the interviewee to open up the discussion and introduce connected topics, thus making it more exploratory in nature and cooperative in terms of knowledge production".

All interviewees (see table 1) are (former) irregular migrants who regularised their situation through *arraigo social* or irregular migrants aiming to get regularised through *arraigo social*. Although I did talk to policymakers, researchers doing research in that field, and NGOs, I decided only to include the data from the (former) irregular migrants, so that I could stay close to their experiences and challenges. I conducted four interviews with cis-male migrants and four interviews with cis-female migrants in order to assure gender parity. However, this falls into gender binaries. Non-binary or trans people were not interviewed because I was not able to get in contact with people with other gender identities that were in the procedure of *arraigo social*. I interviewed people who have migrated from Latin America and Africa, holding Senegalese, Colombian, Peruvian, and Salvadorian nationalities.

Three interviewees did not want to be recorded but gave their consent for me to take notes, which led to direct quotes as well. The interviews were conducted in Spanish, as all the interviewees have been in Spain for several years and therefore have sufficient knowledge to communicate in this language. I transcribed the interviews (when audio records existed) in the original language and translated relevant passages for the analysis. I immediately translated my notes to English and digital text when no audio records existed.

I informed the interviewees about my role as a researcher, their right to withdraw from the research, and guaranteed anonymity. Anonymity was assured by using pseudonyms for the

interviewees while transcribing and by deleting the audio files from the primary devices. I also ensured that the data did not indirectly reveal the interviewee's identity.

Date	Initials (anonymised)	Gender	Country of origin	Place of interview
11.04.2022	N.E.	female	Senegal	Barcelona
12.04.2022	S.A.	male	Senegal	Barcelona
19.04.2022	K.K.	male	Senegal	Barcelona
19.04.2022	M.M.	male	Senegal	Barcelona
02.05.2022	G.G.	female	Colombia	Barcelona
02.05.2022	F.D.	male	Colombia	Barcelona
03.05.2022	E.N.	female	Peru	Barcelona
10.05.2022	D.C.	female	El Salvador	Online

Table 1 *Characteristics of interview partners*

I approached the field at first by contacting migrant collectives and cooperatives, such as Diomcoop, Abarka Coop, TopManta, and the Sindicato de Mujeres Cuidadoras Sin Papeles. As a second step, I also contacted people on Facebook. When asking for the interviewee's time and stories, I made clear that I could not give any remuneration and that participating in the research would not lead to advantages in the regularisation procedure. I explained to them that the only thing I tried to achieve was producing an informational document. This is based on the guidelines proposed by Düvell, Triandafyllidou, and Vollmer (2010, p. 229) on ethical research with irregular migrants. They conclude that the "professional responsibilities lie in researching irregular migration and informing society about the phenomenon in a manner that does not contribute to discrimination against these groups but, instead, improves understanding" (Düvell et al., 2010, p. 229). I reflected on my work and role as a researcher throughout the process, which is explained more in detail under point 3.5.

The interview guides were developed and adapted several times throughout the research process, as the explorative nature of the research made it impossible only to use one version. Still, the main concepts and topics were kept. Appendix 1 exhibits the last version of the interview guide. The main topics were regularisation procedures and legal status, feelings about citizenship and belonging, forms of resistance, and the perception of the municipality of Barcelona. The questions were organised from the general to the specific to reduce the influence on the interviewee's answers.

3.3 Analysis

My process of filtering out relevant aspects and producing an accurate and coherent analysis was based on two manuals. Among them, as mentioned above, Lejeune's manual on organizing and analysing qualitative data with the help of the platform Cassandre (Lejeune, 2019) and with the guideline of Weiss (1995) on analysing interviews. Weiss (1995) differentiates between, on the one hand, an issue-focused and a case-focused analysis and, on the other hand, between the level of the generalised and the level of the concrete. As the analysis is focused on irregular migrants in Barcelona, I define the analysis as case-focused, concrete analysis. The material was analysed on a micro-level and then labelled with properties and codes. These were put into negative or positive relations. As a final step, the codes were grouped and sorted concerning their relevance to the research question (Lejeune, 2019).

3.4 Limitations

To be transparent, I present this research's limitations, which concern the research process, the analysis, and my role as a researcher. First, the research topic, regularisations through *arraigo social*, is market-dependent (Chauvin et al., 2013b). This means that in an economic upturn, the situation could look different. Thus, this research is only a snapshot of the challenges that are being faced today to generate knowledge on how to deal with this situation. Further research should be designed as longitude research and comparative designs because it would give more in-depth insight into the development of the dynamics over different phases of the economic market.

Second, a higher number of interviews could have been interesting. Unfortunately, this was impossible due to limited access to the field. There was, however, enough material to do a fruitful analysis. Then, some interviewees, who agreed to talk to me, participate in associations or cooperatives. Also, the ones that were randomly interviewed (contacted on Facebook) had a high consciousness about the different factors of their situation and strong opinions about the injustice they were experiencing. This might have affected my results, as I did not interview people with more difficulties accessing information.

My personal translation of the interviews could also have changed the results slightly. Some nuances of expression might have gotten lost throughout the process of translation. However, as the analysis does not focus on the language but on the content, this should not influence the validity of the results.

Then, the topic is complex and multi-layered. Due to the limited scope of this research, not every layer could be explored in detail, and I had to decide on one focus: the experience of the irregular migrants in the national and local context. For future research, exploring other layers and focusing on the local government as a data source would be interesting. It would also be interesting to focus on gender dynamics as labour markets are gendered. As demonstrated in the literature review, the employment dimension has a significant impact on possibilities for regularisation through *arraigo social.*

The aspects mentioned above might decrease the validity and reliability of my research in some ways, as well that I made choices to categorise and interpret. I counterbalance this, however, through many direct quotations from the interviews and the appendix with the interviews. These measures follow Jacobs (2018) thoughts on the process of categorising in migration studies.

Last but not least, my identity, socialisation and my role as the researcher in work with irregular migrants might have reduced the objectivity of the research process. This is discussed in the following chapter under 3.5.

3.5 Positionality and sustainability

Koobak and Thapar-Bjökart (2014) argue that "our writing process is inextricably intertwined with who we are both in the present and in the past". Therefore, in this section, I reflect on my position in this research process and locate the knowledge I have produced.

I am a white, cis-gender person holding a German passport, who grew up in a middle-class environment. These attributes bring privilege and power into the research project, especially when working with people in an irregular legal situation and with people who experience racism and other forms of discrimination. I have reflected on this since the beginning of the research process. Düvell, Triandafyllidou and Vollmer (2010) write: "Researchers and irregular migrants often enter into a complex and unbalanced relationship". I tried to make this imbalance visible by underlining that the participants helped me and not the other way around. I emphasised that there was no obligation whatsoever to participate or talk about something about they would not want to talk. I also followed Iosifide's (2018, p. 93) guidelines on self-reflectivity, as she writes:

> The power differentials between participants and researchers during and after the research process and thus the need for constant reflexivity of the researcher. Moreover, the need to place self-reflexive elaborations and subsequent modifications at the centre of the research process and as powerful means for the evaluation and interpretation of qualitative data and findings.

Furthermore, I tried not to disconnect social justice and research. My role as a researcher was transparent and communicated, yet I participated in manifestations and other political events promoting the rights of irregular migrants. I was also active in collecting signatures for the campaign *regularizaciónya*, which aims to make legal changes on the national level to promote regularisations. These initiatives were not directly connected to my research topic but supported the general claims of accessible regularisation. Then, I also plan to translate this research into a short Spanish report, so local NGOs or policymakers can work with it.

Overall, I built my research behaviour around the principle that "research should aim to maximise benefit for individuals and society and minimise risk and harm" (UKRI, 2021).

4. Empirical Research

4.1 Contextualisation

To contextualise the data collected and its analysis, I now present this case study's relevant aspects of the Spanish / Barcelona context. I first present the political discourse and policies on immigration and irregularity and contextualise the case study through numbers on irregularity and regularisations. Second, I explain the legal context in which the case is embedded and focus on the right to work and migration law on the international and national levels. I also explain in detail the legal framework of the regularisation mechanism *arraigo social*, which is indispensable for this research.

4.1.1   The political discourse and the context in numbers

Development of immigration patterns and political discourse in Spain

Spain is said to be a relatively new country of immigration. In the 20th century, mainly after World War II, the most important migration pattern was emigration from Mediterranean countries, among them Spain, to North-Western European countries. The migrants filled the labour demand in heavy industry (Lafleur and Stanek, 2018, p. 325). This is why the first immigration policies were only adopted in 1985, and the demography of Spain has only changed in recent decades to approximately 10 per cent of foreign residents (Bruquetas Callejo et al., 2011, p. 291). "Growth has been especially visible in certain regions such as Madrid, Catalonia, Andalusia, Murcia, Valencia, the Balearic Islands and the Canary Islands" (Bruquetas Callejo et al., 2011, p. 291). Bruquetas Callejo, Garcés-

Mascareñas, Morén-Alegret and Ruiz-Vieytez, (2011, p. 291) identify four phases of immigration and integration policies:

> Running from the mid-1980s until the early 1990s, the initial period produced a first generation of laws on immigration, including the first Foreigners Law. Spanning most of the 1990s, the second phase witnessed the birth of the next generation of immigration laws and the simultaneous adoption of the first policies on immigrant social integration. Thirdly, 1999 onwards marks a phase that brought about significant changes to the Foreigners Law, as well as ushered in a new turn in integration policies. Finally, 2009 has seen again significant changes in the basic legislative framework concerning immigration and asylum.

The colonial link between Spain and migration from former colonies is uncontested, and Spain counts many immigrants from former colonies. The relationship between Spain and Latin American countries and other former colonised countries such as the Philippines, Equatorial Guinea, and Morocco still influence migration policies today (Düvell, 2011, p. 276). For example, "[c]itizens of former colonies, with the exception of Morocco, have access to Spanish citizenship after residing in Spain for two years" (Gutiérrez Rodríguez, 2007, p. 62).

In the last decades the EU and Spain have also seen immigration become more and more of a security concern, and migration control has become more and more repressive. Also, a "filter" of who is allowed to come and who is not desirable can be seen behind immigration policies: "In Spain, the successive modifications of the Foreigners' Law LO 4/2000 (through LO 8/2000, LO 11/2003, and LO 14/2003) have also established an immigration policy designed according to the demographic, labor, and economic needs of the destination country" (Gutiérrez Rodríguez, 2007, p. 64). This is based on historical and colonial links and other power dynamics.

Political discourses accompanied these policies on irregular migration, which also became more and more the focus: "There are two points of view on who is to blame for irregular migration: one is that the individual immigrants, or the facilitators, are to blame for violating the law and are thus the prime perpetrators; the other is that irregular immigrants are subject to superior economic forces or victims of unfair, even racist immigration regimes and are rather victims" (Düvell, 2011, p. 276). Düvell (2011, p. 276) identifies thus that either the state or the individual is held responsible for irregular migration. Either way, politicians, on the national level in Spain and on the local level, frame irregular migration now as "a problem to solve" (Bloch and Chimienti, 2011).

To be able to estimate the number of irregular migrants residing in Spain, Spain formally recognises irregular migrants in a municipality register. This is, in fact, the municipality's obligation. However, it does not only mean that there is an inclusive approach to membership: "It is also based on distinct governmental concerns over public health, crime rates (rather than individual infraction), economic regulation, and population management" (Chauvin et al., 2013b). Budgetary and political interests may play a role (Foucault 1991 and Scott 1998 in Chauvin et al., 2013b, p. 245). After

contextualising the scope of irregular migration and regularisations in Spain, I present how the city of Barcelona approaches immigration and irregularity.

Scope of irregular migration and regularisations in Spain today

It is difficult to say how many irregular migrants live in the EU or Spain and how the flows have developed throughout the years. Still, some research attempts can be referred to for contextualisation. In Spain, statistics are based on the numbers of the municipal register *el padrón*. The number of registered people with a valid residence permit is subtracted from the total number of registered people. The registration is encouraged through benefits linked to registration, such as health care and education (Gálvez-Iniesta, 2020).

We can find an estimation of between 390000 and 470000 people residing irregularly in Spain at the end of 2019. This means that irregular migrants made ca. 0.8 per cent of the total population and 11 per cent to 13 per cent of non-EU immigrants (Fanjul and Gálvez-Iniesta, 2020). The numbers developed between 2008 and 2015, as explained by Fanjul and Gálvez-Iniesta (2020, p. 2): "The absolute numbers of irregular immigration grew during the first years of the last decade, fell abruptly during the crisis of 2008-2015 and has, since then, partially recovered. The current scales (depending on the methodology used) multiply those of 2014 by between 6 and 20". The national statistics published the number of 41.945 people arriving irregularly in Spain in 2021, which is only around 150 people less than the year before (Fernández, 2022).

The age distribution of regular and irregular migrants among men and women in 2019 is estimated in Gálvez Iniesta's (2020). Overall, irregular migrants can be found predominantly in younger age groups, around 25-29 years old. Concerning the difference between men and women, it becomes clear that irregular female migrants tend to be older than irregular male migrants (Gálvez-Iniesta, 2020). Gálvez-Iniesta (2020, p. 14) links this to the occupations and high percentage of "female immigrant workers are employed in the sector of activities of the household, where the average age is higher than in agriculture, manufacturing or constructions, which are the most predominant sector of activities of the male immigrants". In Figure 2, taken from Gálvez-Iniesta's (2020) article, the distribution in Spain between regular and irregular migrants and the sectors they work predominantly in becomes even more evident. There are, by far, more irregular migrants working in accommodation and food service, activities of households, manufacturing, human health, and social work. Regular migrants, on the other hand, surpass irregular migrants, for example, in wholesale and administration activities (Gálvez-Iniesta, 2020).
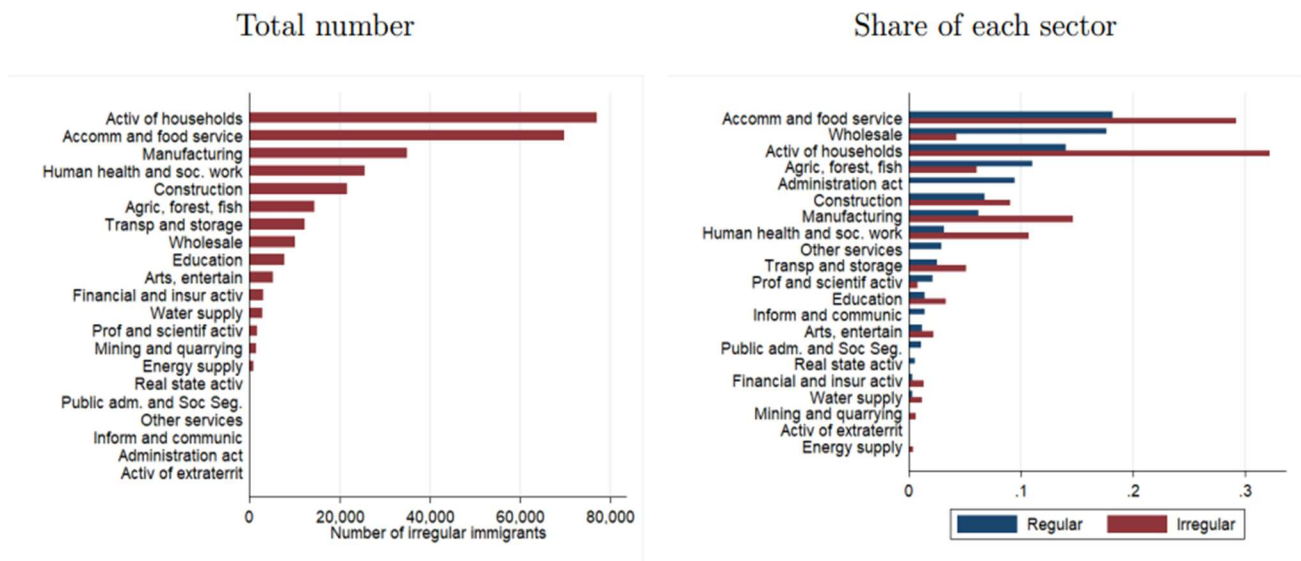
Fig. 2 *Irregularity and the work sector (Gálvez-Iniesta, 2020, p. 17).*

As mentioned before, there are different forms of regularisations. They can be categorised as regularisation mechanisms, regularisation programs and regularisation initiatives. This research focuses on regularisation opportunities fixed in the law and theoretically permanently available, so on regularisation mechanisms. In this category, Spain is often listed as a best practice example (Van der Vennet, 2021). The number of regularisations through *arraigo social, laboral* or *familial* is relatively high in Spain, with 40.005 regularisations in 2019. The total number of Catalonia was recorded at 8.379, of which 6.312 were executed in Barcelona. Only Madrid completed more regularisations with 7.812 in 2019 (Gobierno de España, 2019). So, with the number of irregular arrivals of around 40.000 and regularisation numbers around 40.000 a year, it can be said that the stock of people in an irregular situation might stay about the same. It is true that many migrants might get regularised after an irregular entry because they are granted asylum. Nevertheless, these people would probably be outbalanced by the unreported irregular migrants.

Political discourse and policies on immigration and irregularity in Barcelona

Barcelona has applied a rather inclusive approach to membership of immigrants on their territory and has been active in providing services also for irregular migrants. To date, the city has published an action plan concerning interculturality in 1997, an action plan on hosting immigrants in 2006, action plans concerning work and immigration from 2008 to 2011, and general action plans on occupation with a focus on immigrants from 2011 to 2015 (Ajuntament de Barcelona, 2017). Kaufmann et al. (2021, p. 5) give an overview of urban policies which support irregular migrants. The authors name Barcelona in several categories, which are policies that award a (more) secure status through an inclusive approach of *el padrón* and policies that facilitate access to city services, which are, in the case of Barcelona, legal counselling and health care (Kaufmann et al., 2021, p. 5).

The most recent published document on reducing irregularity and the promotion of regularisations is the *Mesura de govern per afavorir l'accés a la regularitat i prevenir la irregularitat sobrevinguda* (Ajuntament de Barcelona, 2017). The city openly declared and criticised the fact that the Spanish immigration laws institutionalise irregularity and declared instead that Barcelona wants to take an active part in promoting regularisations. To promote regularisations, the city states the need to augment the access to the legal information in order to prevent falling into irregularity and to promote access to residence permits. The city then declares that training opportunities of the local employment service Barcelona Activa should be augmented, that there will be an information campaign and, finally, want to provide specific information in sectors with a high irregularity rate, such as the domestic work sector. On regularisation through *arraigo social*, the city proposes offering twelve-month employment positions. The city, however, mainly wants to focus on vulnerable groups. What exactly is meant by vulnerable groups is not stated. The city refers to the occupational plan of 2018, where this would be put into practice (Ajuntament de Barcelona, 2017). Spencer and Delvino (2019) comment on the Barcelona approach to regularisation and how the city promotes regularisations because of the eventual negative socioeconomic consequences of irregularity: the effect on domestic work, the hotel industry, and construction.

Importantly, as a bridge to the legal context, I would like to refer to The European Charter for the Safeguarding of Human Rights in the City (2012). Barcelona has declared itself a human rights city (European Union Agency for Fundamental Rights., 2021). Article 1. states: "The city is a collective space belonging to all who live in it. These have the right to conditions which allow their own political, social and ecological development but at the same time accepting a commitment to solidarity" (European Union Agency for Fundamental Rights., 2021).

4.1.2   The legal context

The right to work

Different international agreements set the right to work under just and favourable conditions. Starting with the most far-reaching one, the Universal Declaration of Human Rights (UDHR) sets in Article 23: "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment" (UDHR, 1948, art.23). It is remarkable that the right to protection against unemployment is mentioned, which could be an argument for the right to migrate because of economic reasons. The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976) sets in the third Part, Article 6, that the parties that have signed the Covenant "recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard this right" (ICESCR, 1976, art.6). Article 7 further states that the conditions of the work must be just and favourable to the worker, which includes fair remuneration, safe and healthy working conditions, equal opportunities, and rest and leisure time and paid holidays (ICESCR, 1976, art.7). Spain signed the covenant in 1976, and ratified it in 1977 (OHCHR, 2020).

The European Convention on Human Rights (ECHR) does not clearly mention the protection the right to work. There are aspects set in the ECHR that nevertheless protect parts of it. O'Connell (2012, p. 176) summarises "the content of the right to work and then demonstrates how the case law protects aspects of it. Article 8 can be used to protect the right to seek employment, while Articles 6 and 8 can be used to combat unfair dismissal. Other ECHR Articles prohibit discrimination". The Treaty of the European Union and the Treaty on the Functioning of the European Union (TEU/TFEU, 2012) exclude third-country nationals without a working permit from the right to the working conditions that citizens of the EU are entitled to. Article 15, paragraph 3 says: "Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union" (TEU/TFEU, 2012, art. 15).

Article 35 of the Spanish constitution, on the other hand, sets these rights only for Spaniards: "All Spaniards have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their work, and to sufficient remuneration for the satisfaction of their needs and those of their families; moreover, under no circumstances may they be discriminated against on account of their gender" (Constitución Española, 1978, art. 35). It is interesting that the dimension of duty is mentioned here, as it makes the paradox of wanting irregular migrants to work but not letting them work under official conditions even more institutionalised. Concerning this case study then,

there are indeed human rights agreements signed by Spain that should also guarantee irregular migrants the right to work, the EU and Spanish framework is on the other hand a little bit more restrictive.

The right to migrate and the Spanish Law on the Rights and Freedoms of Foreigners

The UDHR states in Article 13, paragraph 2 that everyone "has the right to leave any country, including his own, and to return to his country" (UDHR, 1948, art.13). Consequently, this means that everyone has the right to enter another country, and therefore the right to immigrate as well. It is not set, though, to what country you can migrate. In the ECHR, there is no such article as article 13 of the UDHR at all. Generally, the legal framework for migration of the EU and its member states is somewhat restrictive and bound to certain conditions. The Organic Law on the Rights and Freedoms of Foreigners (Original: Ley Orgánica 7/1985 sobre derechos y libertades de los extranjeros en España) was first adopted in 1985, which can be considered relatively late when compared to other European countries. It was adopted because Spain joined the European Community (EC). The "idea behind the law was to ease the concerns of countries in central and northern Europe about the possibility that new members of the European Community – Spain, Greece and Portugal – might become an entry point for undocumented immigrants" (González-Enríquez, 2009, p. 140). So, the law was constructed in a restrictive way, making legal entries extremely difficult. After several adaptions, this is still the case today. Only the dismantling of the internal EU borders, through the Schengen Agreement, can be seen as supportive of the right to migrate and mobility (Calavita, 2003).

Arraigo social

The first regularisation procedures in Spain took place with and were necessary because of the adoption of the Organic Law on the Rights and Freedoms of Foreigners in 1985, after which several extraordinary, collective regularisations were completed. It was in 2005 when this happened for the last time. The reform of 2005 finally linked regularisations to individual and permanent mechanisms. Regularisation also was possible through *arraigo* in 2001, but the requirements have changed step by step. The last actualisation concerning *arraigo social* was adopted in 2011 and 2014 (Izquierdo, 2006).

The decree on the rights of foreigners in Spain (Real Decreto-Ley 557/2011[3], 2011) on the national level and the document on foreigners of Catalonian competence (DGI/BSF/1/2014[4], 2014) Catalonia set the conditions for temporary residents permits through *arraigo*. This rootedness can be defined through evidence of employment (*arraigo laboral*), evidence of social integration (*arraigo social*), and evidence of family ties in the country (*arraigo familial*). These options concern people who reside in Spain with an irregular administrative situation or reside under a permit of international protection. The residency must be registered in the municipal register *el padrón*. They must have a minimum age of 18 years (16 when authorised by a legal representative) and be citizen of a non-EU state (DGI/BSF/1/2014, 2014). This research deals with the second possibility for regularisation: *arraigo social.* In article 124, paragraph 2 it sets the conditions for *arraigo social*, which are:

- Residence in Spain without interruption of three years (proof of *el padrón* of three years).
- No entries on the criminal record during the last five years (of the country of residence during that period, thus of Spain and the country of origin).
- Signed contract over a minimum of one year or other proof of self-sufficiency (detailed description in the following).
- Family ties to foreigners residing in Spain or proof of social integration (requirements set by Catalonia).

(RDL 557/2011, 2011).

A copy of the passport, a self-report, and a fee must also be handed in (Gobierno de España, 2021). Concerning the proof of social integration and language, the Catalonian government asks for the following:

- Participation in classes and activities of the region, municipality and welcome programs which teach about the Catalan society, its legal structure and/or labour knowledge.
- A1 Catalan certificate or 45 hours of Catalan classes.
- 45 hours of Castellan.

(DGI/BSF/1/2014, 2014).

Central for this research are the requirements of the company:

- Contract of a minimum of one year signed by the employer and the future employee.

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[3] Real Decreto 557/2011 (RDL 557/2011, 2011), de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009.

[4] Instrucción DGI/BSF/1/2014 (DCI/BSF/1/2014) por la que se establecen criterios generales para la elaboración de los informes de extranjería competencia de la Generalitat de Cataluña.

- Legal proof of the capacitation of exercising the profession.
- Identification of the employer: N.I.F. (the fiscal number) and a company register.
- Solvency of the company or employer (IRPF, IVA or VILE).
- Description by the employer of the position that will be filled.
- Employer or company inscribed in the social security.
- The company must guarantee continuous activity, economic, material and human resources to carry out this activity and the contract. If it is anatural person, sufficient salary has to be guaranteed.

(RDL 557/2011, 2011; Gobierno de España, 2011).

The contract itself must fulfil the following conditions:

- Minimum 30 hours/week minimum one year.
- In the agricultural sector, two contracts are possible with a minimum of six months each.
- Various contracts are possible if each is of a minimum of one year and the total number of hours is 30.
- It is possible to apply without a work contract if the applicant can prove sufficient means or an autonomous activity which can sustain the applicant.

(Gobierno de España, 2021).

The responsible entity for the legal framework is consequently the national government and, concerning the integration measures, the Government of Catalonia with its Ministry of Immigration (Original: Dirección general para la immigración). The municipality where the applicant is registered then is responsible for examining the application and putting into practice the process stated above (DGI/BSF/1/2014). In Barcelona this, path falls under *Gerencia de Área de Derechos Sociales, Justicia Global, Feminismos y LGTBI,* which includes the Direction of Immigration and Refugee Services (Original: Dirrección de Servicios de Inmigración y Refugio) (RDL 557/2011, 2011).

4.2 Challenges irregular migrants face in obtaining a work contract suitable for *arraigo social* - a snapshot of the situation in Barcelona.

M.M.: But it isn't easy. Many people have already lived here for five years but they can't... can't obtain a work contract because it is not easy.[5]

As explained in Chapter 3, I started the fieldwork with informal conversations with (former) irregular migrants active in NGOs and cooperatives. I also mobilised the legal frameworks. Then I conducted eight semi-structured interviews, which are the basis of this analysis. The circular process between the academic articles, the field, and my own analysis, let me identify several challenges (Table 1) that impede irregular migrants from obtaining a work contract suitable for the regularisation procedure *arraigo social*, which resumes in a regrouped list. Following Weiss and Lejeune's guidelines on analysing interviews, I worked out four groups of challenges.

I define the first group as external factors, which can hardly be prevented. This does not mean, however, that there cannot be measures to counterbalance the effects of external factors. Secondly, the macro-structural level includes challenges produced by the national law. This is also connected to the EU Directives, but the international level would go beyond the scope of this paper. The third group focuses on challenges identified in relation to the municipality of Barcelona: the local-structural. Last but not least, the fourth category, the meso-level, includes the challenges that concern social networks and individuals. It is important to note, however, that the lines between the categories are blurry. I must also mention that my decision not to follow the classic grouping of the macro, meso and micro, was consciously taken. It was taken in order to specifically differentiate between the structures of the local and the national level. Like this, I demonstrate in this section of analysis that although the municipality of Barcelona takes essential steps to promote regularisations, many challenges still exist on their territory.

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[5] Personal translation. For original, see Appendix 2.2

Main groups of analytical structure			
	External factors	*The macro-structural*	*The local-structural*	*The meso-level*
Challenges	Covid-19	Harsh requirements for the employers	Criminalisation of street vending	Illegal selling of work contracts
		Difficulties in meeting requirements of work contract	Unsustainable occupation plans of municipality and fallback into irregularity	Gatekeeping of other migrants
		Too much attention on the companies	Basic needs not fulfilled, and prior to regularisation procedures	Relationship labour is needed because cultural capital is restricted
		Structural inequalities in position and salary concerning settled migrants		
		Non-recognition of diplomas		

Table 2 *Main groups of challenges and identified challenges*

4.2.1 External factors

COVID-19

The pandemic of Covid-19 has changed many aspects of everyday life, societal functioning, as well as of the labour market. However, COVID-19 not only had a direct impact on the economy, but also shifted the need for workers because of other reasons such as confinement and because many people had to stay in their homes. Guadagno (2020) already mentions 2020 that migrants would have a higher risk of losing precarious, unprotected jobs due to COVID-19.

In the case of the participant D.C. the consequence of the confinement was a loss of an opportunity for a work contract suitable for *arraigo social* because the future employer could personally fulfil the tasks at home:

> *D.C.: But just before the three years, Covid and the confinement came. I was supposed to work six hours per day, from Monday to Friday. But the person that was going to help me could stay at home and care for the children herself.*

S.A. says that he did not experience effective measures from the government for people without regular legal status. He did not find mechanisms to counterbalance the negative consequences of Covid-19 for irregular migrants:

> *S.A.: Of course, more difficult during COVID. What happened to the people without papers? Zero.[6]*

Although external, the aspect of the most vulnerable groups losing job opportunities because of COVID-19 and the shift to more home office are not counterbalanced by the municipal government. This poses challenges for irregular migrants in Barcelona to obtain a work contract suitable for *arraigo social*.

4.2.2   The macro-structural

Harsh requirements for the employers

The employer/company must fulfil, as I have mentioned under point 4.1.2, several conditions to be able to grant a work contract valid for *arraigo social*. N.E. explains why the companies she was supposed to work with were not accepted for the regularisation procedure. Consequently, the work contract was not accepted either:

> *N.E.: The first reason they denied my regularisation was that the company that hired me dismissed someone not long ago. The second reason was that the company had debts. But who does not have debts nowadays? The third reason was that 20 per cent of the company did not have an indefinite contract, which is also normal.*

The conditions of the company can be interpreted more strictly or less strictly, which gives the procedure a margin of manoeuvre, a certain amount of subjectivity and control over this specific part of the population:

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[6] Personal translation. For the original, see Appendix 2.3.

N.E.: So, this is the problem. Normally, the law says that when you comply with these conditions, you get that. But with this, it is not the case. They do not give you papers in every case.

This becomes more clear, when interpreting regularisations according to Kraler (2009, p. 16). He identifies an instance of regularisation beyond individual status and humanitarian reasons mechanism: "In general, regularisations following a non-humanitarian logic can be seen as instruments of re-regulation and attempts to regain control" (Kraler, 2009, p. 16). This re-regulation and attempts to control could be one reason why there must be some flexibility in the regularisation mechanism of *arraigo social* and explain why the requirements for the employers are somehow harsh and regulatable.

Difficulties in meeting the requirements of the work contract

As mentioned above in Subchapter 4.1.2, the law sets the conditions of the contract to be a full-time contract for a minimum of one year, several work contracts of a minimum of six months full-time in the agricultural sector, or several contracts at the same time for a minimum of one year in the same occupation (Gobierno de España, 2011). One interviewee explained that some lawyers also had recommended them to look for an indefinite contract so that the chances to get regularised through *arraigo social* could be improved.

The interviewees all mentioned difficulties in meeting these requirements. S.A. explains this in more detail:

S.A.: Something impossible. I had lived it just when I was about to get papers. I went to a company, so that they could make the contract, and they said: Okay, bring your… your papers, so we make you a contract. And I brought my passport, and they say that with this they cannot make me the contract.

R.G.: Mhm, okay.

S.A.: So, you have to look for other forms to… to ask for things. Also, you cannot… You cannot ask a… a company for a contract of one year. This is a lie.

R.G.: Yes, exactly.

S.A.: Nobody gives you a contract to an unknown person for one year. Three months, six months, that's it.[7]

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[7] Personal translation. For original, see Appendix 2.4.

S.A. also states later in the interview:

> *S.A.: You give them a contract for one year? In these times, no company has the certainty of what will happen from here to in one year so that they can give you a contract for one year.*[8]

This underlines Chauvin, Garces-Mascareñas and Kraler's (2013b) argument that the mechanism's dependency on the economic market can be a risk. In general, I can demonstrate that the requirements for the work contract are difficult to meet, especially during an economic downturn.

Too much attention on the companies

It is probably rare that companies are entirely in order with regulations and tax payments. Thus, the additional attention to the bureaucracy of the company might impede possible employers, out of fear of being detected, from signing contracts suitable for regularisation through *arraigo social*:

> *E.N.: The most difficult is to obtain a work contract. It is the bureaucracy that exists because they ask you for one thing and that they give you another thing from the employer. So, sometimes they also get scared: For what do they need this and that? So, maybe they want to inspect me? So, I think that could be a reason as well why the people do not want to help you with the contact.*[9]

"Foggy structures", according to Bommes and Sciortino, are mentioned in Spencer's and Triandafylliodou's (2020, p. 216) chapter on policy challenges in relation to irregular migration. These "foggy structures" connect the irregular migrants with the host society, which are embedded in other irregular structures (Spencer and Triandafyllidou, 2020, p. 215). As Chauvin and Garcés-Mascareñas (2014) also state, the people concerned are camouflaging but not inactive. So, the already existing informality within the labour market might perpetuate informality concerning irregular migrants and impede formal agreements that are necessary for *arraigo social*, as this system only functions within this irregularity.

Structural inequalities in position and salary concerning settled migrants

There is a structural difference in the salary between people who have migrated to Spain and those who have no migration background (Suárez Álvarez and López Menéndez, 2020). This is also connected to discrimination on the grounds of race (Solé and Parella, 2003, p. 123). Thus, I can show that family networks or other networks of immigrant communities and/or communities that

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[8] Personal translation. For original, see Appendix 2.5.
[9] Personal translation. For original, see Appendix 2.6.

experience racism often are not in the position to give work contracts suitable for *arraigo social* themselves:

> *E.N.: Yes. The family cannot help you because… First, because they are also immigrants. They are not well paid, and the principal thing they ask you for the contract is that the person… Let's say, if here normally a salary is 1200 Euros already. The person that contracts you cannot … has to pay what is…. Because of what they have to put, they have to pay for the property, for the flat, for the light, the water… And…, so they have to have a margin of money to be able to say: Here, take, I can give you an opportunity so that you work. So, that you cannot do either. [10]*

Thus, the settled immigrant community is not in a position in Barcelona that allows them to be bridgeheads (Böcker, 1994), thus facilitating access to regularisation.

Non-recognition of diplomas

Many people arrive in Spain / Barcelona with diplomas and titles that would normally give them access to specific positions in the labour market. Unfortunately sometimes, in the beginning, or in general, they are not recognised officially. The consequence of this is that the possibilities to look for work contracts are restricted to typically irregular sectors. This is a dead end: No recognition of titles, irregular work sector, no regularisation.

> *N.E.: I tried to get my studies accepted from Senegal as well as from France, but they always say that "this and that" does not comply. […] They always ask for more.*

N.E. tried to do training to get her studies accepted but was told off. She explained that there was a training in a cultural centre in Barcelona, which she wanted to do. However, the administration there denied her the right to participate:

> *N.E.: This is too much when you always get denied. So, I started to scream and get the attention of the director, who was there. He says: "In which document does it say that people without papers could not study?" It is a human right to study, to migrate.*

E.N. mentions the global imbalance of these dynamics:

> *E.N.: It is… how do I explain it to you? In the beginning, when you are without papers, you feel yourself a little bit degraded… At least when you come with your titles and everything, just an educated person. They don't give you the opportunity. It isn't like in our countries. No matter who from Europe and other*

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[10] Personal translation. For original, see Appendix 2.7.

countries, arrives, they give them the opportunity to work there. And when you have a degree, you work in that. Er… Here no, no, no.[11]

The interviewee also mentions time pressure once you have completed a formation and classes in the host country. If too much time passes before getting regularised, these accomplishments might become invalid:

E.N.: No, I haven't done any classes because when I went to ask, I tell you and… And also they have an expiration date, so to lose the time, to spend money that you can use for something else… So, I said, let's wait until I have my papers and then do a class.[12]

That titles and diplomas are not recognised easily in Spain / Barcelona means that irregular migrants must turn to sectors where no diplomas are needed. These sectors tend to have a more significant percentage of informal work, which cannot hold in the procedure of *arraigo social*.

4.2.3 The local-structural

Criminalisation of street vending

Street vending is forbidden on a national level, and this prohibition is also enforced in Barcelona. Mofette (2020, p. 262) mentions multilevel enforcement:

Urban Police officers to repress bylaw violations, Catalan Police officers to criminally prosecute the selling of counterfeit goods, National Police officers to apply the Alien Act and prevent the import of counterfeit merchandise, and Port Police officers to help when street vending happens on the territory they control.

But the people who, in most cases, have an irregular legal status do not have a permit to work. Hence street vending is one of their little possibilities to earn the bare minimum to be able to pay for their basic needs. When a person in the street is caught selling, it is marked on the criminal record, and the *arraigo social* can be denied (RDL 557/2011, 2011). This perpetuates the problem: not having a work permit – working as a street vendor – a criminal record – no regularisation – no work contract. These dynamics are mentioned by Calavita (2003, p. 400) as being a punishment for being "illegally" on the territory. M.M. explains:

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[11] Personal translation. For the original, see Appendix 2.8.
[12] Personal translation. For the original, see Appendix 2.9.

M.M.: I got selected, I have made all the procedures, and, in the end, they denied the papers… because of… of a penalty antecedent for which I've already had paid the fine on the street vending, which I had already paid the fine. And finally, they denied me the papers because of antecedents of the police.[13]

Street vending is criminalised on several levels (Calavita, 2003). Therefore, this challenge can also be grouped with the macro-structural challenges. But in general, I can depict that the national framework criminalises street vending, which is then enforced on the local level. This produces challenges for irregular migrants to maintain themselves and get regularised.

Unsustainable occupation plans of municipality and fallback into irregularity

Some interviewees mention the occupation plans of the municipality but raise concerns about the sustainability of these plans and the follow-up requirements once the first period of the permit is expired:

N.E.: The Ayuntamento had the "planes de occupación". So, you got a work contract, and then you had to go when your situation was regularised. But sometimes, they lose their papers afterwards.

Triandafyllidou and Spencer (2020, p. 209) also identify this challenge and comment that there is no clear line between irregularity and regularity. They mention that there are different "degrees and types of irregularity" (Spencer and Triandafyllidou, 2020, p. 209) and that specific requirements asked from the migrants construct the relapse into irregularity (Spencer and Triandafyllidou, 2020). So, even if regularised once, people can find themselves in the same irregular and maybe even more vulnerable situation than before. This shows the ineffectiveness of some measures from the part of the city.

Basic needs not fulfilled and prior to regularisation

When trying to fulfil the many conditions for the regularisation procedure for *arraigo social*, the people's basic needs must be covered in the meantime. When this is not the case, this can turn into a challenge. S.A. criticises that those trainings offered by the city, in order to get a work contract, are not paid:

S.A.: But they ask you for, I don't know how many hours of training… There are people who cannot go to trainings because they don't have enough to eat…[14]

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[13] Personal translation. For the original, see Appendix 2.10.
[14] Personal translation. For the original, see Appendix 2.11.

M.M. also mentions this problem in the interview:

> *M.M.: If you have, for example, training every week and you go for three days and you, how will you eat, how will you pay your rent and everything? It is also a difficult thing, but if there are trainings so that the people can survive, that they give a… a salary so that they can maintain themselves, that is good. But do a training, the training that the people can do are trainings without pay. So, you go there, doing the training and in the end ....[15]*

Covering the basic needs was also a primary target for one migrant organisation in their beginning phase because the municipality could not assure this for irregular migrants during the pandemic:

> *G.G.: So, we started from there. We did that. We collected food during the pandemic, and we organised itourselves. We were seven.[16]*

Chimienti and Solomos (2020, p. 102) argue, as presented in Chapter 2, that political action, claims and transformation are difficult to access when in a situation of vulnerability. When the migrants' basic needs are not fulfilled, regularisation might be secondary. Thus, the irregular migrants can find themselves in a loop of only covering the basic needs and not having the time or the energy to look for a work contract for *arraigo social*.

4.2.4 The meso-level

Illegal selling of work contracts

Some interviewees mention that work contracts are bound to pay a certain price. First, they mention companies that sell work contracts. Second, some companies only pay a small part of the fee for social security, and the rest of the amount must be covered by the individual. N.E. explains the first case:

> *N.E.: So, there are also companies where you have to pay 3.000-5.000 Euros for a work contract. So, when they deny your application, you have to work again without a contract."*

Whereas E.N. has lived the following situation:

> *E.N.: Ah, there is something else that they offer, also a contract, but they only pay you two hours of the social security and the six hours… And the six hours you don't have. It has to come from your own salary of what you have worked, from your pocket. Many companies do this so, the people to get their*

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[15] Personal translation. For the original, see Appendix 2.12.
[16] Personal translation. For the original, see Appendix 2.13.

papers to do it, they accept the two hours paid of social security and the other six hours come from them. It is almost half of their salary. [17]

Chauvin and Garcés-Mascareñas (2014, p. 424) write about the relationship between informal and illegal arrangements: "Importantly, these informal arrangements may lead to formal–although often illegal–outcomes". So, there is indeed a slight chance that these informal arrangements could hold for formal procedures, thus that the work contract can help people to get regularisation through *arraigo social*. However, as the interviewee N.E. mentions, the informal arrangements cost a high amount of money. Should the application be denied because an illegal activity is detected, the irregular migrant might be in an even more vulnerable situation than before. This could lead to a vicious circle of working irregularly, trying to regularise the situation and at once losing the saved money.

Gatekeeping of other migrants

Opposite to the challenge of structural inequalities, some migrants could indeed help to obtain a work contract through providing information or by themselves being the employer. But then, not all settled immigrants in that position want to do this. Böcker (1994, p. 103) has written on gatekeeping in the migration process in her article: Chain migration over legally closed borders: Settled immigrants as bridgeheads and gatekeepers. She finds that settled immigrants not only want to act as bridgeheads but sometimes as the opposite, as gatekeepers (Böcker, 1994, p. 103). Here, the people have already migrated, but gatekeeping might happen to access the labour market and, in this case, also to move forward in regularisation procedures:

> *E.N.: Discrimination, of everyone, already in Spain and the person from your own country, who had been immigrants and they don't remember. Because many, many people from your country now are autonomous. They have the opportunity as well to help you, but as I always say, the same Latin don't want, don't want that you overcome yourself. They want you right here, broken and everything. Yes, there is exclusion.* [18]

This can also be interpreted as internalised coloniality in the competition for recognition and regularisation (Grosfoguel, 2006). So, as conceptualised by Böcker (1994), migrants also experience barriers from "their" community, them being "gatekeepers" to regularisation.

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[17] Personal translation. For the original, see Appendix 2.14.
[18] Personal translation. For the original, see Appendix 2.15.

Relationship labour needed because cultural capital is restricted

Because the irregular migrants do not possess a work permit, more labour must be invested in personal relations with the potential employers:

> *S.A.: You see the person for the first time and you do not know that person. And also, without papers? You give them a contract for one year?[19]*

This can be interpreted according to Bourdieu and his different forms of capital. Because the cultural capital cannot be activated officially, as the migrants do not have a work permit, and their diplomas might not be recognised, more social capital must be gathered. Bourdieu (2018, p. 22) summarises social capital as a "network of relationships" based on establishing social relationships that can be of use in the future. This work has to be done because there is no other capital that can be used. This can mean in this case, for example, eating regularly in a restaurant and chatting with the restaurant owner:

> *K.K.: It is impossible. Only if you have friends. Or a friend presents you to a friend. Or you eat regularly in a restaurant. You become friends, and then you ask: "My friend, can you give me a work contract".*

This relationship labour goes hand in hand with intersectionality (Crenshaw, 1991), as the processes are based on personal relations, where biases can impede network-building. Especially ableism, race, classism, and mental health come into play. A high amount of empathy and the knowledge of codes are needed to be deemed trustworthy. The person must be in a good state in order to be a stable partner in the relationship of trust and kinship and to overcome possible stereotypes. If this is not the case, the legal status intersects with the categories mentioned above, and relationship labour is more complex, which means even fewer opportunities to find future employers.

4.3 The role of the work contract for *arraigo social* in the nexus of citizenship and deservingness: the national and the local level

I now move on to analyse the role of the work contract and the challenges presented in 4.2 in the dynamics of citizenship and deservingness. For both concepts, I first work out the dynamics on a national level. Second, I look at how these operate on the local level in Barcelona.

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[19] Personal translation. For the original, see Appendix 2.16.

I argue that *arraigo social*, contrary to its presentation as an opportunity to access citizenship, can be **an instrument to silently neglect citizenship** without visibly harming the state's liberal principles. It is mainly an instrument of control and regulation, not a straightforward regularisation mechanism for everyone. But how does this work, and on what logic is this based? First, this plays out through the **invisibilisation of the fulfilment of duties** that go hand in hand with citizenship. The focus of this case study is the duty to work. The migrant's willingness to work or the work that migrants effectively do, is invisibilised. Secondly, the play with the variable **time is a mechanism to exclude step by step and to produce eventual self-exclusion**. Third, I argue that **subjectivity of the law** can be a way of excluding without visibly excluding, as decisions can be bent so that they are supported by the law either way. Concerning the city of Barcelona, I argue that, despite having a more open approach to membership, the **municipality is not capable of preventing exclusion**, which makes the municipality an accomplice.

Next, I argue that these instruments to exclude silently are implemented in order to filter "deserving" from "undeserving" migrants. This is the second axis of analysis. I argue that *arraigo social* and the required work contract operate as a **filter to allow only "deserving" migrants to get an official residence permit in Spain**, and thus get regularised. Who is said to be deserving is based on the conception of (irregular) migrants and aspects such as **class, coloniality of labour and a cultural-employment nexus**. Also here, I argue that the city of Barcelona cannot prevent these dynamics.

The work contract as an instrument for...		
	...the silent exclusion from citizenship.	*... a filter of deservingness.*
Tools	Invisibilisation of the fulfilment of duties	Class
	The play with the time	Coloniality of labour
	The subjectivity of the law	Cultural-employment nexus

Table 3 *Identified tools*

4.3.1   The silent exclusion from citizenship: the work contract as an instrument

> *S.A.: Er, but in the end, everything is based on that they make everything so complicated that you realise that they do not really want to give you the papers.[20]*

Citizenship can be interpreted as the most central and important concept for all the interviewees, when talking about their situation in Spain and their experiences with the procedure of *arraigo social*. Citizenship, although not experienced in its whole, ideal forms for many people (Cohen, 1999) and less binary than often depicted, is an adequate frame to understand the vicious circle of the challenges for regularisation, the conceptualisation of the people with an irregular legal status and their exclusion from citizenship.

How can the liberal state of Spain justify the exclusion from citizenship? I interpret the findings around the work contract in *arraigo social* as a strategy to avoid the liberal paradox (Hampshire, 2014) and the visible breaking with liberal principles concerning constitutionalism. As mentioned in the theoretical framework, the liberal states of today are based on a paradox: The paradox that four main constitutive features of the liberal state nationhood, representative democracy, constitutionalism, and capitalism work in pairs against each other concerning the openness and restrictiveness towards immigration (Hampshire, 2014). The liberal principles behind constitutionalism, individual freedom, equal treatment, and human rights (Hampshire, 2014, p. 7) are breached without the state admitting to doing so, and the state's responsibility for exclusion is invisibilised. The responsibility of not being regularised and thus being excluded from full citizenship is put on the individual as not being capable or not wanting to fulfil the requirement and duties. This exclusion happens silently. The work contract required for *arraigo social* then serves as an instrument to play out this silent exclusion. I identified three concrete tools that can be categorised in these dynamics. They are explained in the following.

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[20] Personal translation. For the original, see Appendix 2.17.

The invisibilisation of the fulfilment of duties[21]

This part of the analysis takes up the concept of citizenship: I put in relation the role of the work contract and the challenges in obtaining a work contract for *arraigo social* with the "silent exclusion from citizenship"[22] through the invisibilisation of the fulfilment of the duties or the willingness to fulfil the duties connected to citizenship. I present how this exclusion is practised and justified on a national level through the utopian requirements for the work contract asked from the irregular migrants. The challenges from above, such as the difficulty in meeting the requirements for the work contract, the structural inequalities in position and salary of settled migrants, the non-recognition of diplomas, and the criminalisation of street vending reduce the visibility of the (potential) fulfilment of the duties from the side of the migrants.

As I have explained in the theoretical framework under point 2.1, one important part of citizenship has long been, and still is, the dimension of a person's rights and duties (Cohen, 1999). For Spaniards, this is also anchored in the Spanish constitution: "All Spaniards have the duty to work" (Constitución Española, 1978, art. 35). Thus, if migrants are not allowed to work, they cannot work officially and then cannot become a citizen.

The interviewees, however, feel the duty and certainly need to work. They often do fulfil the "duty to work", but this must happen in an irregular manner. Consequently, their contribution to the host country is not recognised formally:

> *E.N.: Yes, I... as it is something contradictory. From now on you have to work, because if not this country eats you alive, so you have to work. So, you think that you work, but no, because you do not have the permit, so it is, what they are really doing is exploitation.* [23]

This exploitation of irregular work excludes the migrants from the formal sphere of work. The full range of civil, political, and social rights, as explained by Marshall are neglected. Hence, full membership, first mentioned by Marshall (1950), is not given. This is also mirrored in the interviewees' feelings of exclusion:

> *E.N.: Me, I tell you, you feel excluded, excluded...*[24]

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[21] The reader should read this section with a critical mind, as these arguments can play into the argumentation that migrants only deserve when they contribute to the host country's economy. Humanitarian reasons and social justice are central as well when arguing for regularisations.

[23] Personal translation. For the original, see Appendix 2.18.

[24] Personal translation. For the original, see Appendix 2.19.

The willingness to work, and the work, which is effectively done by many irregular migrants, is invisibilised. In terms of the conceptualisation of citizenship mentioned above, this would mean the invisibilisation of the fulfilment of the duties. Irregular migrants are often framed as if they would only aim for their rights and do not wish to fulfil their duties, which does not hold for the interviewee F.D., and the other interviewees of this study:

> F.D.: I said, I don't, I don't... I don't need that they give me 100 Euro. To send them… But I need a job to be able to continue, yes.[25]

So, not granting an official work permit reinforces this invisibilisation and allegedly gives grounds to exclusion from citizenship. The narrative produces an image that this exclusion is produced by the migrants themselves and their unwillingness to work and fulfil their duty as a citizen.

Apart from the concrete labour, irregular migrants already contribute to the economy of Spain in several ways and, through this, also take responsibility for their duties, which is also invisibilised. The interviewees do feel like contributing to the economy of Spain through:

> S.A.: Because the people without paper go to the supermarket, they buy and pay the taxes because all the products you buy in the supermarket have the taxes already included, no? So, this is our money. When will they recognise this? We live in a flat, and we pay the rent, although we do not have papers. So, we are contributing to many things. But they do not recognise it, that we, on the other hand, help the economy. All these parts they do not want to recognise. And also in parts, they steal from us at the same time, no?[26]

Another pillar of the dynamics to illegitimise irregular migrants becoming a citizen oftentimes is racism, which makes the above-mentioned invisibilisation even more severe:

> F.D.: And the situation of Latin Americans… of the African people is difficult. It is a constant fight. They leave the house every day to find work and to work and… I don't know if it is of interest, but they abuse them.[27]

This differentiation becomes even more apparent when looking at the opportunities for work given to Ukrainian[28] people fleeing war compared to, for example, people coming from Senegal. The opportunities to fulfil the duties are restricted on a logic of race and status. Interviewee S.A. interprets this as follows:

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[25] Personal translation. For the original, see Appendix 2.20.
[26] Personal translation. For the original, see Appendix 2.21.
[27] Personal translation. For the original, see Appendix 2.22.
[28] The treatment of Ukrainian refugees by Spain was not criticised by the interviewees as such. Only the different treatment because of race was criticised. They highlighted that everyone should be welcomed as the Ukrainian refugees lately were.

S.A.: Yes, because there you see that there is no willingness to do things right. Yes, yes, yes. Because they are white, we'll give. The same in Spain, Spain gives all the possibilities to work. And they are not a member state of the European Union.[29]

Instead of giving opportunities within the EU / Spain, the government externalises the controls of borders (Menjívar, 2014) and tries to diminish the root causes of migration. The interviewee S.A. highly contests this:

S.A.: No, the only thing what they think is: Let's go to Morocco so that they close their borders, let's give more subventions to Morocco, let's do a boycott. Let's go… go, go to Morocco, Morocco, Morocco… or let's go to give the governments of their countries of origin, where they come from, subventions so that they start caring for their people. No! No, they do not have to care for us. No![30]

Spain ignores the people's will and claims to help other countries. This, instead of recognizing the willingness that people do want to contribute to the host country. The interviewee S.A resents this. He also resents the fact that racism can aggravate the exclusion of citizenship and the opportunities to show that duties connected to citizenship are fulfilled. The inivisibilisation of the will to work plays out differently when an individual is Black. Discrimination because of skin colour and oftentimes the origin from an African country has an impact on the conceptualisation of the migrants. M.M. mentions his struggles with his cooperative that they would be recognised as entrepreneurs:

M.M.: If we take, for example, the migration from China, you have a pure economic conceptualisation, no? They are known as people who have shops, who enterprise, no? That they create their positions, no? So, that conceptualisation that they have on us, it is the moment of being able to fight and to be able to visibilise enterprising migrants, and here we are.[31]

The invisibilisation of the fulfilment of duties might also take place since sometimes irregular migrants are even completely dehumanised:

S.A.: I have to laugh when the president of the government says that not a single person is gonna be left behind. So, this means that the people without papers are no people for them.[32]

All in all, I can highlight that the challenges obtaining a work contract, and the dimensions mentioned in this chapter, invisibilise the fulfilment of duties, which is effectively done by the migrants or at least invisibilise their willingness to do so. The restrictions to be able to fulfil duties,

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[29] Personal translation. For the original, see Appendix 2.23.
[30] Personal translation. For the original, see Appendix 2.24.
[31] Personal translation. For the original, see Appendix 2.25.
[32] Personal translation. For the original, see Appendix 2.3.

here, the requirements for the work contract, can be interpreted as a constructed tool to exclude the migrants concerned from citizenship silently.

Time as a mechanism of exclusion

Another aspect of the work contract in *arraigo social* and its harsh requirements is the variable of time. This can also be interpreted as "slow violence" (Mayblin et al., 2020) exercised by the state. Mayblin, Wake and Kazemi (2020) write that harm can be done through "slow violence". However, human rights are not breached officially. In this case study, this would mean that harm can be done, thus exclusion from citizenship, but the liberal principles are not breached in a visible manner. The non-recognition of diplomas, the criminalisation of street vending, the harsh requirements for employers, and the work contract produce a slowing down of the process, which then invisibilises the responsibility of the state of the ongoing exclusion. The procedures are ongoing, so no concrete action to exclude has happened yet. This aspect can even lead to eventual surrender from the parts of the migrants, which can then be framed as "self-exclusion", hiding the construction of laws and the state's responsibility. The laws are designed in a way that the process is slow and harmful.

Several interviewees mention the severe difficulties in everyday life and that this state persists over a long period of time:

> M.M.: But it isn't easy. Many people have already lived here for five years, but they can't… can't obtain a work contract because it is not easy.[33]

This discourages people from staying in Spain and continuing the path to full citizenship. Thus, the consequence of slow-violence, self-exclusion, is reached, and the state can neglect its responsibilities.

> E.N.: So, you feel… you feel bad. Because sometimes you just want to take your stuff and say no, I won't give more. So, I want to go to my country.[34]

All in all, I can demonstrate that the challenges obtaining a work contract, and the dimensions mentioned in this chapter, play with the variable time and with "slow-violence" (Mayblin et al., 2020), in order to exclude without recognizing the responsibility or even to push people to give up and "self-exclude". Thus, this can be interpreted as a second tool to exclude the migrants from citizenship silently.

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[33] Personal translation. For the original, see Appendix 2.2.
[34] Personal translation. For the original, see Appendix 2.26.

The subjectivity of the law

Last but not least, I identify a third tool, where the work contract of *arraigo social* plays a major role in silently excluding irregular migrants from citizenship. The challenges identified above produce a certain subjectivity of the law. The participants had the impression that the decision to reject *arraigo social* is taken with a certain room for manoeuvre. This specifically concerns the challenge of the harsh requirements for employers. The procedure can be rejected when the employer is not accepted by the decision-maker. Regulation depending on the time and context is thus possible. N.E. has the impression that this regulation is dictated from the state to the Catalonian government:

> *N.E.: So, the Generalitat is doing this and gets directives from the state:" We have many migrants, so they have to be stricter, we have not enough migrants, so that they can accept more.*

This is difficult to assess. However, another interviewee mentions this dimension:

> *S.A.: When there was a law, you bent it against someone. The only thing that they favour is the negative part. You don't always see the intentions, no, no, you are not looking at the document carefully, you… because you… 1+1=2.* [35]

S.A. thus mentions that the subjectivity of the law plays out negatively for many migrants. All in all, I want to underline that the challenges in obtaining a work contract and the dimension mentioned in this chapter, play with bending the law to exclude without recognizing the clear intentions of exclusion behind it. This is also conceptualised "path dependency" (van Houdt et al., 2011, p. 410). Like this, the argumentation of a non-acceptance of regularisation can be based on the law and individual performance. Although excluded from citizenship, the intention of exclusion is hidden. Thus, this can be interpreted as a third tool to silently exclude the migrants from citizenship.

The role of the local in these dynamics

I now want to discuss the role of the municipality of Barcelona in the dynamics mentioned previously. I want to turn to the local level and examine how citizenship in relation to the work contract can be interpreted here. Many scholars have praised urban citizenship and cosmopolitism as mentioned in the theoretical framework to describe a more inclusive approach, compared to the restrictive national approach (Bauböck, 2003). But Valentine (2008) also warns us not to romanticises these concepts, as the city can also be a place of harm and violence. Purcell (2006) uses the concept of the "local trap" in order to describe that the local does not necessarily mean more inclusion. The

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[35] Personal translation. For the original, see Appendix 2.27.

challenges of the criminalisation of street vending, unsustainable occupation plans of the municipality, and fallback into irregularity underline this warning and prove that urban citizenship, in the way it is practised now, is not enough. The municipality cannot prevent the exclusion of many migrants from citizenship, and urban citizenship cannot be the final step of the city's engagement. Legal residence status is still central for full membership:

> M.M.: And it's obvious that it's good to earn a little bit, but… I… it is necessary to have papers to have more opportunities and to be calmer. Without papers, this tranquillity is still missing.[36]

S.A. also mentions how difficult everyday life in the city of Barcelona concerning work still is:

> S.A.: We have… we have several people in our surroundings that are without papers. […] And every time it is super complicated for them, every time everything… Because everything is super complicated because… I have lived this situation, no? Being without papers, knowing that there is a possibility that you can work, but you cannot work because there is this and that reason, because they think that you need documentation. So, a person who… who really has lived this kind of situation cannot… cannot be like this. Like this normal, calm.[37]

E.N. then mentions that family life and mobility are also restricted. The municipality is not capable of granting all the rights that would normally be linked to citizenship:

> E.N.: But these papers are the ones that maintain you now, so, without papers, you cannot, not even go to visit the rest of your family over there. If you have, also you are from there, you cannot go and see them. It is like a big trap. That is why, as a person, thanks god… I could arrive here in this country with my family. But many people cannot, so there are 11, 12 years without seeing their children, without seeing their parents and everything.[38]

G.G. mentions that she had never heard of anyone in her surrounding having participated in municipal programs to promote regularisation. Thus, the municipal programs have a rather insignificant impact:

> G.G.: And out of 70 people, 80 with us, no one ever got out something, no family contracted anyone.[39]

The challenges in 4.2 prove that the city rebellion must be stronger to hold against the national restrictive migration governance. The interviewees do not feel much support from the part of the municipality:

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[36] Personal translation. For the original, see Appendix 2.28.
[37] Personal translation. For the original, see Appendix 2.29.
[38] Personal translation. For the original, see Appendix 2.30.
[39] Personal translation. For the original, see Appendix 2.31.

> *M.M.: They make no effort, what they want is that the people are bad in the street that they ask the police to fine the people, and this is also with the fines and everything… they also earn money. This is why there is little effort in this because… they also don't want… that the people stop selling in the street and work. They talk about it, but they do not act.[40]*

The policies that have been implemented seem more like a symbolic support than a real change of dynamics. Thus, to bring the main argument together, the national dynamics are still, although maybe softened, operating on the people living under the governance of the city of Barcelona. Urban citizenship is not enough to prevent the exclusionary practices on the national level and the local level also co-opts partially with the power (Wiksell, 2021).

Some people, however, get regularised. I argue in the following chapter that the decision of who gets a chance to regularisation is based on a logic of deservingness. I present the work contract as a form of filtering "deserving" migrants from "non-deserving" migrants, the latter excluded "silently", as mentioned in this chapter.

4.3.2   Filtering: deservingness and the conception of irregular migrants

Spencer and Triandafyllidou (2020, p. 209) point out that legal frameworks sometimes are constructed in a way that makes it impossible to fulfil or create certain conditions of regularity/irregularity. This can be applied to the deservingness frame and the requirements of the work contract for *arraigo social*. I can summarise that the narrative, which is stipulated by the work contract, is as follows: the better the migrants contribute to the economy of Spain, the more deserving they are. The legal instruments, such as the work contract, create a form of filter and show that some irregular migrants are received differently than others, as well as their opportunities to get regularised (Ambrosini, 2016, p. 144). One lawyer even told E.N. that an indefinite work contract would be better than a one-year contract:

> *E.N.: The law only says that they want…a year of,… allegedly one year, but most of the people that have one for one year,… they don't accept it. So, in reality it, has to be an indefinite contract.[41]*

People concerned are also told that formations and diplomas would be an asset:

> *D.C.: They say it would be a plus when you do classes in nursing or cooking. They ask you for this and that, this document and this document and this.*

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[40] Personal translation. For the original, see Appendix 2.32.
[41] Personal translation. For the original, see Appendix 2.33.

This deservingness frame has different dimensions, which are discussed in the following: Deservingness and class, coloniality of labour and the cultural-employment nexus. Then I discuss the role of the local in these dimensions.

Deservingness and class

Strongly connected to deservingness is the concept of class because people are situated differently on the spectrum of being a citizen. This is the case for citizens, which Yuval-Davis (2007) underlines, as well as for the citizens to be. Yuval-Davis (2007, p. 562) asks up to what point "citizenship needs to be seen as an abstract category of 'the citizen' or as an embodied category, involving concrete people who are differentially situated in terms of gender, class, ethnicity, sexuality, ability, the state in the life cycle etc". Thus, deservingness and citizenship are based on intersectional power relations. The challenges mentioned above underline this. Among them are the difficulties in meeting the requirements of the work contract, the structural inequalities in position and salary of settled migrants, the non-recognition of diplomas and the fulfilment of the basic needs takes away all resources for regularisation. This last factor leaves little resources or none for regularisation attempts.

The interviewees (indirectly) mention the dimension of class. S.A., for example, comments on Golden Visas[42]:

> S.A.: *Because when they have the means, they cannot do it, no? A Chinese who comes here, and buys a flat, they give them a paper. When it is a Russian who… who comes here with a lot of money, they give them the papers, which they call the Golden visa, I don't know. So, because they are rich, they have no problem with papers. The poor huh… what? No? So, there is a tremendous ladder there which one has to be resolved.*[43]

So, people are classified as "deserving" or not based on class logic. This can then also intersect with other dimensions such as, for example, gender and race (Crenshaw, 1991), which should be discussed in research in further research. The following chapter takes race into account when discussing coloniality of labour (Gutiérrez-Rodríguez, 2014) as a frame of deservingness.

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[42] The "Golden Visa" is a residence permit for third-country nationals who can invest 500.000 Euros. This option has existed since 2013 (Citizenship Invest, 2022)
[43] Personal translation. For the original, see Appendix 2.34.

Coloniality of labour

When speaking about deservingness from an economic perspective, historical ties and global power dynamics must also be assessed. As mentioned in the theoretical part, colonial logic can be found in every sphere of our lives. This also counts for domination because of race and the exploitation of labour (Quijano, 2000). Quijano (2000) explains that this technology still exists, and Gutiérrez-Rodríguez (2018) situates asylum policies in the dynamics of coloniality of migration. I situate the work contract for *arraigo social* in this dimension: as being an instrument embedded in the coloniality of labour (Gutiérrez-Rodríguez, 2014). Spain and Europe manifest their power over former colonies through these policies and link this to labour and superiority:

> *E.N.: It is… how do I explain it to you? In the beginning, when you are without papers, you feel yourself a little bit degraded… At least when you come with your titles and everything, just an educated person. They don't give you the opportunity. It isn't like in our countries. No matter who from Europe and other countries arrives, they give them the opportunity to work there [...]. Here no, no, no. [...] We come to do the jobs many of them do not want to do, so they should help us and yes… You've arrived at the three years being here, already suffering… because it is suffering. So, they should lend you a hand. I think it is time that they change.[44]*

Only the migrants framed as successful, thus those who obtain a work contract, get a chance through regularisation. The others must work irregularly and oftentimes get exploited:

> *S.A.: It's these people who exploit these people. It's these people who kill these people. It's these people that make you work in the fields, and they do not pay you anything at all and who make you live in horrible situations that no one would give to a living person… like they were animals in the fields, no?[45]*

The challenges of the non-recognition of diplomas, structural inequalities in position and salary of settled migrants and the gatekeeping of other migrants, underline the logic of coloniality of labour. The gatekeeping could be explained as internalised coloniality, according to Grosfoguel (2006), which means that everyone has integrated colonial logic into the individual thoughts and actions.

So, logics of coloniality of labour justify frames of deservingness, with race being the main axis of distinction. Through the challenges of obtaining a work contract and exclusion from citizenship, the logic is perpetuated.

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[44] Personal translation. For the original, see Appendix 2.35.
[45] Personal translation. For the original, see Appendix 2.36.

Deservingness and the cultural-employment nexus

Chauvin, Garcès-Mascarenas and Kraler write about deservingness and regularisations. A "good character" would render someone "less" illegal, which in turn would lead to lower chances of being deported and higher chances of regularisation (Chauvin et al., 2013b). In another article, they also mention other aspects that do not concern labour activity only. They identify noncriminal conduct, identity stability etc. as a cultural-employment nexus, which can be a chance for migrants in economic growth, but also lower the chances to get regularised in recessions (Chauvin et al., 2013b). The challenges that irregular migrants must do relationship labour, and that street vending is criminalised, underlines this aspect. The interviewee M.M. finds himself in the expectations of this nexus. The culture of being a "perfect" person without any faults. Additionally, the fault of having a penalty antecedent is also due to the criminalisation of street vending, thus also constructed by the state and the city:

> *M.M.: I got selected, I have made all the procedures, and in the end, they denied the papers… because of… of a penalty antecedent for which I've already had paid the fine on the street vending, which I had already paid the fine. And finally, they denied me the papers because of antecedents of the police.*[46]

So, I can summarise that the categorisation of "deserving", and "undeserving" migrants is not only based on class and coloniality of labour but can also be situated in a nexus of employment and culture. In the following, I discuss the local level in these dynamics.

The role of the local in these dynamics

Chauvin and Garcés-Mascareñas (2014, p. 426) reflect on the role of the city and state: "The master frame of the "deserving migrant" may even be reinforced by the multiplicity of its deployments and become more readily available for further uses". In Chapter 4.3.1, I showed that the municipality does not go far beyond urban citizenship and that urban citizenship as such is not enough. Although Chauvin and Garcés-Mascareñas (2014) warn of reinforcing the "deservingness frame", the framing might be more regulatable for the city. The deservingness frame can be contested symbolically through, for example, the funding of cooperatives and job offers suitable for people in an irregular legal situation:

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[46] Personal translation. For the original, see Appendix 2.10.

K.K.: We got funds from the Ayuntamiento, because you have to contribute 3000 Euros and that three people have papers, who can be a member of the cooperative. And you have to have enough money to pay the contracted people.

But the same question as in the previous chapter remains here: When will these actions go beyond small numbers and effectively reduce irregularity? If the city of Barcelona wants to put its willingness to promote regularisation into practice, other measures or the extension of existent measures must be applied. In Chapter 5, I highlight some suggested practices derived from the findings of this research.

5. Points of attention

Following the dual imperative of Jacobsen and Landau (2003) for social science on forced migration, that the research should be academically and socially / policy relevant, I propose some examples in the form of suggested practices. They can be considered by city governments, NGOs and advocacy groups in order to promote regularisation and reduce the challenges of obtaining a work contract suitable for *arraigo social*:

1) Give subsidies to companies that hire under conditions suitable for *arraigo social* and list these companies as accessible for migrants with irregular legal status.
2) Offer training through Barcelona Activa during the one-year occupation with the municipality of Barcelona for a sustainable occupation after the first year of regularisation.
3) Offer paid formations.
4) Promote affordable housing.
5) Promote food banks and banks for other basic needs.
6) Conduct anti-racism campaigns targeting pay gaps, and horizontal and vertical differences (position and rang), so that migrants' networks are also in the position to hire under the conditions of *arraigo social*.

6. Conclusion

This research investigated the regularisation mechanism *arraigo social* and the work contract, which is necessary to obtain a residence permit. I explored the challenges that irregular migrants in Barcelona face obtaining the work contract and what role it plays in the nexus of citizenship and deservingness on the local and national levels. In order to do so, I analysed eight semi-structured interviews.

I identified several challenges and categorised them into four groups. In the group of external challenges, I found that the Covid-19 pandemic has changed the needs of employees in the private sphere. In the group of macro-structural challenges, I found that the harsh requirements for the employers make it rare to find a suitable work contract and that there is too much attention on the companies, which can impede them from wanting to be a part of the regularisation procedure. I demonstrate that there are difficulties in meeting the high standards of the work contract and structural inequalities in the position and salary of settled migrants impeding them to be employers. Last but not least, one challenge is that diplomas are not recognised. For the local-structural level, I identified the following challenges: the criminalisation of street vending, unsustainable occupation plans of municipality and fallback into irregularity, and that migrants' resources are spent on the fulfilment of basic needs instead on the regularisation procedure. On the meso-level, I found out that there are people illegally selling work contracts, which would probably not hold in the regularisation procedure, that there exists gatekeeping from other migrants and that a high amount of relationship labour is needed because migrants concerned do not have a work permit.

Analysing these challenges in the nexus of citizenship and deservingness, I found that the work contract is as an instrument to silently neglect citizenship without harming the self-image of liberal values. This happens through the invisibilisation of the migrants' fulfilment (or the willingness) of the duty to work. Secondly, the construction of the law plays with time, thus exercising "slow violence" (Mayblin et al., 2020) and making the migrants lose their vigour to get regularised. Thirdly, the subjectivity of the law can be bent in a way that exclusion is based on the law and not on the will to exclude. Concerning the frame of deservingness, I found that dimensions of class, coloniality of labour (Quijano, 2000), and a cultural-employment nexus (Chauvin and Garcés-Mascareñas, 2014) can be found in the deservingness frame. These are constructed through the requirements of *arraigo social* and the work contract and are differently experienced, as identity markers can intersect (Crenshaw, 1991). Although Barcelona has an inclusive approach to immigration and regularisations, the impact of the actions on the local level has been identified as not being effective enough to impede these power dynamics. I also found that urban citizenship (Bauböck, 2003) is not enough, and

regularisation must stay high on the agenda of politicians who want to promote human rights in their cities.

In conducting this research, I contributed to the existing academic body of literature on (urban) citizenship and deservingness frames. Many scholars have researched along these lines of theory, but specific cases like this one, analysed in a larger context, are still rare. I also contributed to bringing back the importance of regularisation, as some scholars romanticise "urban citizenship". The results and the enumeration of points of attention can hold as arguments and guidelines for local policymakers, NGOs, and other stakeholders to promote regularisations through *arraigo social*. Therefore, I successfully followed the dual imperative of the research being of high social and academic relevance (Jacobsen and Landau, 2003).

Still, further research should concentrate on other requirements for *arraigo social*, as they are interconnected and just as important. Like this, a more holistic image of the challenges could be constructed. Unfortunately, the frame of this research did not allow for this dimension. Further research should look at ways to overcome the challenges and what role the employers and the people concerned can play in this process. Forms of resistance could be analysed linked to *arraigo social.* The first aspect could be further approached through interviews with policymakers, NGOs, and other civil society actors. Second, it would also be interesting to collect data through participative observations. Finally, the understanding of intersectional dynamics of regularisation mechanisms should be further researched, as well.

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Appendix 1: Interview guide

As mentioned in the methodology part, the interviews varied every time. Still, all the interviews included in the analysis worked around the same lines, which are presented in the following. Although formulated as questions, I only proposed the topic of discussion and left room for other foci. The formulated questions helped to overcome some language barriers from my side.

Empleo ←→ arraigo social

- ¿Dónde estás en los procesos legales? ¿Quieres hacer arraigo social? ¿Cómo?
- ¿Qué piensas sobre el arraigo social? ¿Las condiciones?
- ¿Qué significa el trabajo para ti?
- ¿Qué has trabajado antes? ¿Puedes seguir haciéndolo? ¿Diplomas reconocidos?
- ¿Qué problemas hay para obtener un contrato que vale para arraigo social? ¿Qué razones de negarlo tenías? (si ya lo has intentado)

- ¿Qué casos conoces de amigos (negar, solución, problemas)?
- ¿Qué piensas de la burocracia?
- ¿Qué piensas qué te dicen qué tienes que integrar?
  ¿Géneros, diferentes dificultades para obtener?
- Discriminación/racismo?

Resistencia

- ¿Tienes soluciones?
- ¿Amigos, familia que pueden ayudar?
- ¿Otra gente migrada ayuda?
- ¿Movimientos políticos?
- ¿Qué casos conoces de amigos?

Ciudadanía

- ¿Cómo te sientes en Barcelona? ¿Una parte?
- ¿Cómo te sientes en España? ¿Una parte?
- ¿Qué te da esperanza?
- ¿Cómo es el día a día sin papeles?

Ajuntament

- ¿Has visto programas del Ayuntamiento de Barcelona?
- Te sientes bien acollido/apoyado par Barcelona?
- ¿Qué podría hacer el Ayuntamiento mejor?

Appendix 2: Original extracts of interviews

Date	Initials (anonymised)	Gender	Country of origin	Place of interview
11.04.2022	N.E.	female	Senegal	Barcelona
12.04.2022	S.A.	male	Senegal	Barcelona
19.04.2022	K.K.	male	Senegal	Barcelona
19.04.2022	M.M.	male	Senegal	Barcelona
02.05.2022	G.G.	female	Colombia	Barcelona
02.05.2022	F.D.	male	Colombia	Barcelona
03.05.2022	E.N.	female	Peru	Barcelona
10.05.2022	D.C.	female	El Salvador	Online

Appendix 2.1

E.N.: Pero esos papeles son los que te mantienen que ahora, es de, sin esos papeles, tú no puedes, aunque sea ir a visitar al resto de tu familia allá, si tú tienes, también vienes allá, tú no los puedes ir a ver. Es de es como una traba fuerte.

Appendix 2.2

M.M.: Pero no es fácil. Mucha gente que ya viven aquí cinco años pero no pueden… no pueden conseguir contrato de trabajar porque no es fácil.

Appendix 2.3

S.A.: ¿Claro, más difícil durante el COVID que ha pasado con las personas sin papeles? Cero. No existen para ellos y me río cuando el presidente del Gobierno dice que ninguna persona se quedara atrás. Entonces significa que las personas sin papeles no son personas para ellos.

Appendix 2.4

S.A.: Algo imposible. Yo lo he vivido justo cuando iba a tener papeles. He ido a una empresa y para hacer el contrato me dijeron, vale, tráenos, tu trae tu…tus papeles para que te haga un contrato y yo le traigo mi pasaporte y me dice que no, con eso no me puedo hacerlo.

R.G.: Mhm, bueno.

S.A.: Entonces también hay que buscar formas de… de pedir cosas, también que se puede. No puede pedir a … a una empresa un año de contrato, eso es mentira

R.G.: Sí, exacto.

S.A.: Nadie da un año de contrato a primera vista de un ano, 3 meses, 6 meses, ya está.

Appendix 2.5

S.A.: ¿Tu les hace un contrato de un ano? Actualmente ninguna empresa tiene la certidumbre de lo que le va a pasar aquí un año para que haga un contrato de un ano.

Appendix 2.6

E.N.: Lo más difícil es conseguir el contrato, es la burocracia que hay más porque te piden una cosa que te den otra cosa del contratante. Entonces a veces ellas también como que se asustan para que me quieren esto para que la otra, ¿entonces qué será que me van a investigar? Entonces yo pienso que también puede ser, por eso también que la gente es de, no te quieren ayudar con lo de los contratos.

Appendix 2.7

E.N.: Si la familia no te puede ayudar porque… Una, porque ellos también son inmigrantes. Es de no son bien pagados y para lo principal que te están pidiendo por un contrato que la persona… Digamos, si aquí normalmente un sueldo es de 1200 ya. Es de la persona que te contrata, no te puede… va a pagar lo que… él porque tienen que poner, es de sacar su casa, su piso, su luz, su agua. Y, entonces tienes que tener un margen más o menos de dinero para decir: A ten, puedo darte la oportunidad para que tú trabajes. Y te puedo ayudar con el contrato, entonces eso también no se puede.

Appendix 2.8

E.N.: ¿Es de cómo te digo, eh? Al principio cuando tu estas aquí sin papeles, como que te sientes un poco denigrada, eh… Al menos si tú vienes con tus títulos y todo solo una persona estudiada. No te dan la oportunidad, no es como nuestros países. Llegan, cualquiera desea desde Europa y otros países se les da la oportunidad de poder trabajar allá, y si tienes tu carrera, vas a trabajar a tu carrera. Eh aquí no no no…

Appendix 2.9

E.N.: No, yo no he hecho ningún curso porque cuando iba a preguntar te digo y… Y también tienen una fecha de caducidad, entonces haber perdido el tiempo, haber gastado un dinero que te puede servir para otra cosa. Entonces he dicho, esperemos, esperemos cuando tenga papeles y meterme a hacer algún curso.

Appendix 2.10

M.M.: Y estuve seleccionado, había hecho todos los trámites y al final me denegaban los papeles… si por razones de… de un antecedente penal que ya había pagado la multa sobre la venta abulante que ya había pagado la multa y al final me denegaron los papeles por encima antecedentes policiales.

Appendix 2.11

S.A.: Pero te piden que tienes que tener no sé cuántas horas de formación… Hay personas que no pueden ir a formarse porque no tienen qué comer.

Appendix 2.12

M.M.: Si tiene que hacer una formación por ejemplo cada semana te vas tres días y tú cómo vas a comer, cómo vas a pagar tu alquiler y todo. Es un cosa también difícil pero si hay formaciones para que la gente se pueda conseguir algo para sobrevivir, que dan, una… un salario para que pueda sostenerle está bien. Pero hacer una formación, la formación que la gente puede hacer son formaciones que no tienen ninguna paga. Tú vas cada día allí haciendo formación y al final ---

Appendix 2.13

G.G.: Entonces ya empezamos por ese lado. Eh hacíamos eso, recogíamos alimentos en la pandemia, nos organizamos, éramos 7, éramos 7.

Appendix 2.14

E.N.: Ah hay otra cosa que te ofrecen, también contratos, pero ellos solamente te pagan la Seguridad Social de dos horas y las 6 horas… Y las seis horas no tienes. Tiene que salir de tu mismo trabajo de lo que tú has trabajado, de tu bolsillo. Muchas empresas lo están haciendo entonces las personas por tener sus papeles lo están haciendo, aceptan las dos h de que ellos te pagan la Seguridad Social y el resto de seis horas son los tuyos. Casi la mitad de tu sueldo.

Appendix 2.15

E.N.: Discriminación,… de todos, ya sea en español y él mismo y el mismo persona de tu mismo país que han ellos hacen inmigrantes y no se acuerdan. Porque mucha, mucha gente de tu país es que ahora son autónomos, que tienen la oportunidad también de ayudarte, pero como siempre digo, el mismo, el mismo latín no quiere, no quiere que te superes, quiere verte aquí mismo caído y todo. Si hay una exclusión.

Appendix 2.16

S.A.: La primera vista a una persona que no conoces, ¿y además sin papeles? ¿Tu les hace un contrato de un ano?

Appendix 2.17

S.A.: Eh, pero al final y acabo todo está basado el día que te lo ponen tan complicado que tú notas que no tienen los ganas de darte los papeles.

Appendix 2.18

E.N.: Sí yo… como que es algo contradictorio. Aquí delante tú tienes que trabajar, porque sino este país te come viva, entonces tienes que trabajar, entonces crees que trabajes pero que no, pero no hay el permiso, entonces como lo que están realmente ellos haciendo lo que les explotación.

Appendix 2.19

E.N.: Yo si te digo, uno se siente excluido, excluido…

Appendix 2.20

F.D.: Yo decía, yo no, yo no, yo no necesito que me regale €100. Por pesar para mandarla… Pero un empleo para poder sacar adelante, sí.

Appendix 2.21

S.A.: Porque las personas sin papeles van al supermercado, compran y pagan el IVA porque todos los productos que se compran en el supermercado está el IVA incluido. ¿No? Entonces ese dinero nuestro. ¿Cuándo nos reconocerá? Vivimos en pisos y pagamos el alquiler, aunque no tengamos papel, no. Entonces estamos contribuyendo en muchísimas cosas. Pero no reconocen, como la otra parte, estamos… subimos la economía, todos esos partes que no, que no quieren reconocer, es como una parte, nos están… nos están robando al mismo tiempo, ¿no?

Appendix 2.22

F.D.: Y la situación de los Latinos… de los Africanos es muy difícil. Es una lucha constante, todo el día salen a buscar y trabajar en y no sé si eso sirve, le contaba… todo lo que les pasa, nada interés que van a trabajar en que abusan de ellas.

Appendix 2.23

S.A.: Ya, porque ahí ves que no hay voluntad de hacer las cosas bien. Sí, sí, sí. Sí como son blancos, vamos a darle. Lo mismo a España en España están dado a todos la utilización de trabajar. Y no son parte de la Unión Europe.

Appendix 2.24

Lo único que piensan es, vamos a decir a Marruecos que cierra la frontera, vamos a dar más subvenciones a Marruecos, vamos a boicotear …vamos a vamos a vamos a vamos a a Marruecos Marroco Marroco Marroco… o vamos a dar a los Gobiernos de sus países origen de donde vienen una subvención para que empiecen a cuidar a su gente, ¡no! No, es que ellos tienen que cuidarnos. No!

Appendix 2.25

Si cogemos, por ejemplo, la migración de China, tienes una mirada pura economía, no, ya se los conocen como gente que tiene tienda, que emprenden, ¿no? Que s crean sus empleos, ¿no? Entonces, esa mirada que nos miran, es la hora de poder luchar y de poder visibilizar emprendedores de personas migrantes y ahí estamos.

Appendix 2.26

Entonces como que te sientes, sientes mal porque a veces tú tienes ganas de coger y decir no, ya no doy más. Entonces me quiero ir a mi país.

Appendix 2.27

Cuando tuvo una ley lo blindas contra alguien. Tú, lo único que favorece es la parte negativa, no verás siempre las intenciones, no, no miras ningún documento con cariño porque tú,… 1 + 1 = 2.

Appendix 2.28

M.M.: Y…y esto claro, está bien de ganar un poquito, pero…yo… lo necesario es tener los papeles para poder tener más oportunidades y más tranquilidad. Sin los papeles la tranquilidad todavía falta.

Appendix 2.29

S.A. Tenemos… tenemos varios personas de nuestro entorno que están sin papeles. Ver en personas en nuestro entorno que… Que cada vez lo tienen súper complicado, que cada vez todo. Que todo está que todo está muy complicado porque..Yo he vivido esa situación, ¿no? De estar sin papeles, de saber que hay posibilidad, de que puedes trabajar, pero no puedes trabajar porque pasa tal motivo porque piensan que necesitan una documentación. Entonces una persona que… que realmente ha vivido esos tipos de situación, no puede… no puede estar así. Así normal, tranquilos.

Appendix 2.30

E.N.: ¿Pero esos papeles son los que te mantienen que ahora, es de, sin esos papeles, tu no puedes aunque sea ir a visitar al resto de tu familia allá, si tú tienes, también vienes allá, tú no los puedes ir a ver. Es de es como una traba fuerte. Por eso te digo yo, yo como persona, gracias a Dios yo pude llegar a este país con mi familia. Pero muchas de las personas no, entonces tienen 11, 12 años sin ver a sus hijos sin ver a sus padres y todo.

Appendix 2.31

G.G.: Y de 70 personas, 80 con nosotras a ninguna le salió nunca nada, ninguna familia las dejo contratadas.

Appendix 2.32

M.M.: No hacen esfuerzo lo que quieren es que la gente está mal la calle que le piden a la policía que le dan multas y esto es también con las multas y eso… ellos también ganan. Por eso hay no hay un… poco de esfuerzo sobre eso porque… tampoco quieren… tampoco ellos quieren que la gente deja en la calle e ir a trabajar. Se hablan, 33pero no hacen ninguna actos.

Appendix 2.33

E.N.: The law only says that they want a year of allegedly one yea, but most of the people that have one for one year they don't accept it, so in reality it has to be an indefinite contract.

Appendix 2.34

S.A.: Porque si tienen las medidas, no pueden hacerlo, no un un chino que viene aquí, que compra un piso, le da un papel. Si es un ruso que… que viene aquí con mucho dinero le daban papeles que le llaman las visas Golden, no sé que. Entonces, como los ricos no tienen problema de papeles. Los pobres eh… qué? Que… ¿no? entonces hay un, hay un, hay una escalera ahí tremenda que hay que intentar resolver.

Appendix 2.35

E.N.: It is… how do I explain it to you? In the beginning, when you are without papers, you feel yourself a little bit degraded… At least when you come with your titles and everything, just an educated person. They don't give you the opportunity. It isn't like in our countries. No matter who from Europe and other countries, arrives, they give them the opportunity to work there. And when you have a degree course, you work in that. Er… Here no, no, no. Me, I tell you, you feel excluded, excluded… as they should help us, like… But I tell you something, when they come to do it, we come to do it. We come to do the jobs many of them do not want to do, so they should help us and yes… You've arrived at the three years being here already suffering, because it is suffering. So, they should lend you a hand. I think it is time that they change.

Appendix 2.36

S.A.: Son esas personas que explotan a esas personas, son esa persona que matan a esas personas. Son esas personas que les hacen trabajar en los campos y no les pagan ningún duro y les hacen vivir en situaciones horribles, que nadie daría a una persona por quien viva, como si fueran animales en los campos, no?