

Migration and Crime in a Divided World: Strategies, Perceptions, and Struggles

By
LUIGI ACHILLI,
ANTJE MISSBACH,
and
SOLEDAD ÁLVAREZ
VELASCO

Contemporary research shows that current migration policies and technologies produce criminality. It would be advantageous, then, to understand how migrants make sense of and respond to these criminalizing migration policies, technologies, and practices. This volume delves deeply into criminalization processes, focusing on how migrants perceive and react to the enactment and implementation of policy. The articles take a close look at the day-to-day experiences of criminalized migrants, advancing our understanding of some of the societal effects of migration policies and of the relationship between criminalization and migration. The collection of work presented in this volume seeks to inspire more critical scholarship, given that public narratives about migration tend to present narratives of tragedy and despair only. We argue that policy and public understanding of migration can improve if we understand more about how, exactly, migrants respond to their criminalization and how they manage to sustain their migratory projects and their lives.

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Immigration is a pressing issue. Many countries in the so-called Global North and Global South grapple with an influx of migrants from areas plagued by war, political and religious conflicts, ecological devastation, and

Luigi Achilli is a senior researcher at the European University Institute (EUI) in Florence, Italy, and at the Christian Michaelson Institute (CMI) in Bergen, Norway. His research and writing focus on migration, crime, forced displacement, agency, and conflict. He is coeditor of Global Human Smuggling: Buying Freedom in a Retreating World (Johns Hopkins University Press, 2023).

Antje Missbach is a professor of sociology at Bielefeld University, Germany, specializing in global and transnational migration and mobility. Her latest book, The Criminalisation of People Smuggling in Indonesia and Australia: Asylum out of Reach, was published in 2022 (Routledge).

Correspondence: luigi.achilli@eui.eu

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economic hardship. In order to stem new mass arrivals, already existing visa regimes have been toughened, asylum regimes hollowed out, and borders militarized, thereby causing more border fatalities but not effectively interrupting migrants' mobilities.

Portrayed as stretching thin the resources of nation-states and undermining their security, prevailing narratives about uncontrolled migration have incited anti-immigrant sentiments, prompted voters to support migration control regimes that favor stricter migration policies, and secured support for increasing border surveillance. A growing body of laws, policies, and regulations has been developed to criminalize the unsanctioned international mobility of populations from regions like Latin America, the Caribbean, Asia, and Africa—places lacking the Global North's mobility privileges, such as passports and visa-free travel (Mitsilegas 2015). Additionally, in many parts of the world, states are narrowing down the path to asylum and access to state protection and social benefits, adopting harsher quarantine measures for migrants, outlawing the employment of certain migrants through employer sanctions, and detaining or deporting migrants.

The goal of this volume is to look closely at the process of migration criminalization by focusing on the perceptions and reactions of the migrants themselves and of other people who are central actors in migration processes. The research presented here illuminates the day-to-day experiences of criminalized migrants, and with it, we hope to better grasp the societal effects of migration policies as well as the intricate relationships between crime and migration.

Locked Out: A Brief History of Migrant Journeys in an Era of Soaring Criminalization

The notion of categorizing migrants as criminals aligns with what researchers describe as global apartheid (Richmond 1994; van Houtum 2010), a term used to capture how countries in the Global North use mobility controls, political intervention, and racialized segregation to impel labor exploitation amid a reservoir of “disposable” people and enviro-capitalist plunder (Besteman 2019).

Over time, political decision-makers have coined many different labels for migrants. These labels are not just neutral categories; they can demonstrate

Soledad Álvarez Velasco is an assistant professor in the departments of anthropology and Latin American and Latino studies at the University of Illinois Chicago. She analyzes the interrelationship between mobility, control, and spatial transformations across the Americas. She is the author of the book Frontera sur chiapaneca: El muro humano de la violencia (Mexico: CIESAS-UIA, 2016).

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political intentions. In fact, labeling immigrants as criminal (i.e., people deserving punishment for their actions) and often also as illegal (i.e., depicting not just the actions but the people themselves as unlawful) has never been incidental. It is a calculated result of immigration policies and related discourse to distinguish between desired migrants with legal rights and those without (Parker and Vaughan-Williams 2009). It is a process of exclusion that underscores the apprehensive racist and xenophobic attitude of the host states toward migrants they do not welcome.

The portrayal of select noncitizens as criminals is not a novel or region-specific idea. Historical analyses trace the criminalization of migrants and migration back to the early 20th century (Lindberg and Khosravi 2021). Some researchers equate today's European–North African border dynamics with West African slave-market activities in the 18th and 19th centuries (Lemberg-Pedersen 2019). The 1980s and 1990s saw this notion spread across the Global North (Chimni 1998). Likewise, the act of criminalizing unwanted migrants is not confined solely to the Global North (Freier and Pérez 2021). Countries in the Global South, both as transit hubs and destinations, have also adopted and molded migration criminalization to fit their objectives. Studies indicate escalated border controls and stricter immigration policies in regions like South America (Álvarez Velasco 2020; Dias and Domenech 2020), Africa (Vigneswaran 2013), and Asia (Missbach 2022). For example, in 2018, Malaysia detained more than 45,000 illegal immigrants for issues ranging from employment irregularities to minor legal breaches (*New Straits Times* 2018). In recent years, some Latin American nations have also tightened their immigration stances, introducing mechanisms to curb the influx from regions like the Caribbean, South America, and, to a lesser degree, Africa and Asia (e.g., Álvarez Velasco and Bayón Jiménez, this volume).

The 21st century has markedly accelerated the trend of perceiving migrants predominantly in terms of “illegality” (Squire 2021). This perception has been driven by heightened security measures and migration management strategies, especially when steered by the priorities of Global North countries (Zhang, Sanchez, and Achilli 2018). This evolving scenario does not only criminalize unauthorized border-crossing; it also increasingly penalizes those aiding migrants, including individual facilitators and humanitarian agencies. A stark illustration of this development is how various European countries have begun criminalizing search-and-rescue operations in the Mediterranean Sea when they are undertaken by individuals or by nongovernment organizations (Alagna and Cusumano, this volume).

The repercussions of this process of criminalization are clear and plain for everyone to see. The past decade has seen a tragic rise in deaths by about 30 percent on a global scale. While natural barriers such as deserts or seas have historically served as both barriers and conduits for human movement, their combination with today's legal and political barriers has rendered them increasingly deadly (Doty 2011; Sundberg 2008). The Missing Migrants platform from the International Organization for Migration (IOM) reports cumulative data from 2014 to the present of missing or dead migrants in the world's most dynamic borders and migration corridors (IOM 2024). Globally, in that time span,

approximately 62,000 migrants disappeared or died in the Mediterranean (~29,000), Africa (~14,400), the Americas (~9,000), Asia (~5,800), Western Asia (~2,700), and Europe (~1,100). The U.S.–Mexico border and the central Mediterranean area are the deadliest places, where approximately 5,200 and 29,000 migrants, respectively, have disappeared or died (IOM 2024). These numbers are almost certainly a low estimate, and they are inescapably linked to the sustained, global trend of criminalizing migration.

Criminalization and Criminalized Migrants: A Definition

In their efforts to prevent or at least control unwanted migration, states have created a litany of new criminal categories, including illegal, irregular, clandestine, and undocumented migrants. While these categories have been invented for specific purposes and have very distinct meanings, some contributors in this volume use these terms interchangeably. They refer to individuals who, due to strict and occasionally biased immigration policies, find themselves entering or residing in countries without official authorization. Some authors prefer terms like “illegalized,” “criminalized,” or “irregularized” migrants to highlight the imposed nature of status.

In its narrowest sense, the criminalization of migration is the “expansion of law enforcement and correctional powers, thereby enhancing the government’s power of discretion to decide who may be excluded from the territory and from membership in society” (Atak and Simeon 2018, 6). The increasing use of criminal law in immigration matters (also referred to as “crimmigration” [Stumpf 2006]), which renders certain forms of cross-border migration and residence illegal by constituting them as criminal offenses, is just one of many global political trends.

Over the years, however, social scientists have broadened their understanding of criminalization of migration to include more subtle forms of stigmatization and ostracization, as well as noncustodial sentences and disciplinary action directed at unwanted migrants. These include the interference of public discourses and other policies and practices that intend to stigmatize migrants and to associate migrants with a range of crimes while at the same time diminishing their basic human rights. By so often framing these unwanted migrants as deviant criminals (Melossi 2003) or contemporary “folk devils” (Cohen 2002), the political and media discourses of the Global North perpetuate a societal “us vs. them” perspective (Garland 2012). This process shapes public perception of migrants and influences how state authorities in countries where they lack citizenship rights handle them upon their arrival and during their stay (Atak and Simeon 2018, 6–7). The process constituting criminalization thereby often follows a three-step course. At first, an act, for example, crossing a border without permission to seek asylum in another country, is defined to be a criminal act. Second, people involved in such an act are then defined as criminals. Third, those new criminals are then accorded punitive treatment, such as detention or deportation, that is considered appropriate under the new norms.

Criminalizing migrants has not only resulted in the withholding of rights that accrue to citizens; it has also forced criminalized migrants to live precarious lives that leave them vulnerable to being both victims and perpetrators of a range of crimes (Hudson 2007, 26). A plethora of studies has shown how policies and border controls contribute to the criminalization of migrants (Andreas and Snyder 2000; Bigo and Guild 2005) and push them into illegal markets (Martinez and Slack 2013) and into challenging terrains like the sea and desert (Ayalew Mengiste 2018; Basaran 2008; De León 2015). Studies have shown how the criminalization of migration has also led to criminogenic effect by fueling criminal phenomena, such as human smuggling (Zhang, Sanchez, and Achilli 2018) or human trafficking (Anderson and Andrijasevic 2008).

Looking Back and Moving Forward

An important contribution of the work in this volume is that it helps us to grasp the nonlinear and frequently counterintuitive outcomes of the criminalization process and of its dynamics. Over the past two decades, research on the increasingly restrictive and criminalizing migration policies has expanded significantly. Critical scholarship commendably sheds light on the key processes and structures that engender crime and criminalization. These insights delve deep into intersections of age, gender, class, nationality, and racial dynamics within the context of crime and migration. An expansive literature now exists, analyzing the criminalization aspects of influential policy and border regimes (Andersson 2014; Fassin 2001; Parker and Vaughan-Williams 2009) as well as the implications of regulating irregular migration through a criminal lens (De Genova 2010).

In this arena, critical scholarship is instrumental in revealing the core processes and structures leading to crime and exploitation. However, there remains a gap in our understanding of how migrants, at the center of these policies, navigate and respond to criminalization. While it is valid to argue, as De Genova (2002) suggests, that immigration policies and technologies foster conditions of illegality and deportability, it is imperative to further investigate how crime becomes a tangible, lived experience for migrants. Yet, as of today, we lack a nuanced understanding of these dynamics.

This, in turn, has produced a set of conceptual problems concerning the role of migrants and other key actors—for example, smugglers, guides, and mobility brokers—in this process of criminalization. Empirical studies challenge the simplistic portrayal of migrants merely as victims, highlighting a more nuanced perspective (e.g., van Liempt and Doornik 2006). Yet the dominant analytical lens remains state-centric, focusing more on the influence of state policies and actors over the experiences of migrants themselves. This approach risks overshadowing the intricate and proactive roles migrants assume amid their criminalization. Consequently, migrants frequently find themselves either overlooked in these discussions or narrowly defined within specific roles—either as passive victims or, less commonly, as active resisters (Bauder and Juffs 2020). Such binary framing

inadequately represents the rich spectrum of migrant experiences, as individuals often engage with and challenge their criminalization in multiple, complex ways.

The way migrants interact with criminalizing policies, and the implications of these interactions at the level of both human mobility and crime formation, call for a more profound and critical investigation. To do so, this collection takes a two-pronged approach: delving into personal experiences of those directly affected (vertical) while also mapping broader trends and disparities across diverse regions (horizontal).

The vertical dimension of this volume seeks to penetrate beneath the surface and explore the deeply rooted experiences, practices, and emotions of those directly impacted by the criminalization of migration. Instead of merely documenting legislative shifts and policy changes, this thorough approach illuminates migrants' lived experience as they confront evolving societal views and increasingly stringent regulations. Moreover, our vertical exploration is not limited only to the migrants but extends to law enforcement officials, community leaders, migrant smugglers, humanitarian practitioners, and other key actors in the migration ecosystem.

The horizontal lens takes in a comprehensive, global perspective and encompasses the varied terrains of criminalization across different regions and contexts. As various contributors to this volume show, the criminalization of migration is not a homogenous process. Instead, it takes on different characteristics according to the national context. Its repressive nature, and the legal foundation it stands on, can vary in intensity. For instance, the Global North's criminalization of migration, influenced by histories of colonialism, racism, and power dynamics, often emphasizes steady militarization and technological surveillance. Meanwhile, some Global South transit countries, shaped by their unique geopolitical pressures and regional ties, might adopt a more episodic approach, one that is less technologized, more constrained to certain conjunctures and sites, and more targeted to a specific migrant population.

The comprehensive scope of our approach has enabled us to offer a more nuanced analysis of the intricate ways in which the criminalization of migration operates and is contested in various and diverse situations. In the ensuing sections of this introduction, we discuss the two most important takeaways that emerge from the work assembled in this volume. First, we challenge a dominant narrative that portrays migrants as overwhelmingly passive in the face of their own criminalization. While acknowledging the realities of their vulnerability, we highlight the nuanced ways in which they navigate, negotiate, and occasionally even shape their realities. Second, we reject the opposing (and equally reductive) narrative that posits that migrants' actions are solely oriented toward resisting their own criminalization; rather, we present a picture of greater complexity that does not pigeonhole migrants into binary categories.

Beyond the Image of Migrants as Vulnerable Victims

To date, received wisdom has maintained that the criminalization of migration fuels the demand of criminal services, thereby creating more vulnerability among

migrants and generating more crime (Raineri 2023, 265). Numerous studies highlight the ways that the criminalization of migration is linked to the rising demand for illicit services (such as hiring coyotes, transporters, and guides to traverse surveilled national borders [Slack and Campbell 2016]) and also to the expansion of the immigration-industrial complex (Douglas and Sáenz 2013); the result, in both cases, has been the increased vulnerability of migrants (De León 2015; Zhang, Sanchez, and Achilli 2018).

There is indeed no shortage of examples that show the dramatic impact of the criminalization of migrants. Current migration policies have exacerbated the vulnerabilities of migrants by casting them into dangerous predicaments where they often perceive themselves as mere commodities within a larger profit-centric system. In Libya, where migrants are subjected to harrowing abuse, enslavement, and extortion by a range of actors, including officials, militias, and smugglers, their descriptions of themselves as “goods” highlights their objectification (Al-Dayel, Anfinson, and Anfinson 2023). A parallel narrative emerges in Greece, where Syrians confined in camps likened themselves to “products” as Turkey and EU member states negotiated their future; for these migrants, the political and financial interests of others were taking precedence over their dehumanization and commodification (Andersson 2018). Border protection measures and deterrence policies have strategically altered migrant routes into perilous zones, like the unforgiving Arizona desert; there, as a number of studies have documented, the real-life effects of immigration policy have led countless migrants to perish under the scorching sun (De León 2015).

However, while some scholars’ description of migrants as goods or “walking cashpoints” (Andersson 2018, 12) may be understandable and, in many instances, reflect aspects of reality, it remains a double-edged sword. On one hand, it captures the commodification of migrants in specific contexts. On the other hand, it may inadvertently perpetuate the notion that migrants have only limited agency or none at all, thus failing to meaningfully counteract or influence overarching powers.

Beyond offering this image of migrants as vulnerable victims, research demonstrates that migrants’ experiences with crime and criminalizing policies vary significantly across ethnic, gender, class, and geographical lines. By delving into the lives, identities, and experiences of migrants from an insider’s viewpoint, an expanding collection of empirical research has unveiled the multifaceted ways in which migrants navigate both their criminalization (Mainwaring and Brigden 2016) and their exposure to criminal markets (Sanchez and Zhang 2018). Migrants are not just passively responding to these situations. Their actions reflect intricate dynamics: they form personal relationships such as friendships and romances (Sanchez 2014; Vogt 2018; see also Tanu and Missbach, this volume), they advocate political ideologies (Achilli and Abu Samra 2019; Kook 2023), and they even deepen their spiritual beliefs (Hagan 2008).

This volume aims to enrich the academic discourse by demonstrating that migrants are not just passive recipients of policies but actively shape, influence, and even redefine migration policies and their own portrayals, even in environments rife with exploitation and constrained choices (cf. Bauman and May 2019).

To shed light on these questions, some authors in this volume adopted macro- and meso-level perspectives, addressing the criminalization of migration in broader terms. For example, Soledad Álvarez Velasco and Manuel Bayón Jiménez, through their ethnography in the Ecuador–Colombia borderlands, find that criminalizing migrants in these regions has not necessarily stemmed the tide of illegalized migration from diverse continents en route to the U.S. Rather, it has fostered a rise in unauthorized crossings via *trochas*—illegal land or river pathways. These pathways have become hubs for illegal activities, such as counterfeiting and drug trafficking. Several articles in this collection show how prohibitionist labor policies, more than any physical mobility restrictions, limit migrants' agency. The unintended (or perhaps intended) consequence is a greater reliance on and expansion of illegal markets. In a similar vein, David Suber demonstrates that the EU's border securitization strategies have not quashed human smuggling and undocumented crossings. Instead, they have inadvertently spurred the growth of both more-sophisticated smuggling networks and rampant corruption at the borders between West Asia and Europe.

Other contributors have relied more on micro-level perspectives to explore how certain migrants are criminalized and how they respond to their criminalization at specific times. Louis Vuilleumier's work in this volume exemplifies this approach by examining the participation of migrants in low-level drug distribution and the diverse strategies they employ, ranging from contesting criminal labels to engaging in more criminogenic behaviors. Importantly, Vuilleumier highlights that the criminalization of migrants extends beyond their arrival and settlement in a destination country. It persists, particularly as they attempt to secure livelihoods without the requisite work permits or venture into activities deemed illegal. His analysis carefully avoids victimizing or romanticizing migrants. Instead, Vuilleumier scrutinizes how illegalized migrants navigate and negotiate the very rules intended to regulate them, offering a critical perspective that acknowledges their agency while being mindful of the overarching power structures they operate within.

In their long-term observations, Tanu and Missbach have followed juvenile Afghans in Indonesia who engage in intimate relationships with elder Indonesian women to generate a living and find multifaceted support in a situation where the right to work is withheld from them. Paradoxically, although sex work or prostitution is not illegal under Indonesian law, refugees are not allowed to engage in any kind of employment or income generation, and noncompliance may result in detention.

Adding to this discourse, Tabea Scharrer's investigation into ransom smuggling in Northern Africa presents a striking case of migrants' ambivalent relationship with their own criminalization. Following European policies from the late 2000s that targeted and criminalized irregular migration, young Somalis relied at different stages of their journey on two perilous services: smuggling and hostage-taking operations. This blend emerged as a unique pathway to mobility. Scharrer's work illuminates how migrants, in their desperate attempts for mobility, might sometimes leverage their pronounced vulnerability and risk of exploitation. It is a

paradoxical situation where, in some instances, the very exposure to danger becomes a tool to maneuver through an increasingly restrictive migration landscape.

In this regard, Federico Alagna and Eugenio Cusumano's article offers a stimulating perspective into the complex dynamic of criminalization and counter-criminalization. Rather than focusing on migrants, they look at the confrontation between Italian authorities and civil society organizations in the Mediterranean since 2017. Despite facing repression, civil society groups have adapted, challenging restrictions on sea rescue missions. In so doing, these organizations, like migrants themselves, actively influence the sociopolitical milieu. Through strategic alliances, advocacy, and litigation in court, they have not only facilitated rescue operations but also reshaped the narrative around Mediterranean migration, thus exemplifying the transformative roles both migrants and their advocates play against dominant structures.

Beyond "Resistance": The Role of "Criminalized" Actors in Reproducing and Changing Criminalization

In a trend parallel to neglecting the agency of migrants, migration studies have tended to search for instances and expressions of genuine resistance that might indicate a challenge to dominance. Put simply, when migrants act, the social scientist points to moments of disruption or opposition to authority, typically represented by the state and its attempt to criminalize. The very decision of people to continue migrating amid growing uncertainties can be seen as a challenge to their criminalization (Squire 2021).

A significant contribution of this body of research has been its focus on migrants' ability to resist or challenge oppressive forces. This perspective has been essential in redressing numerous depictions of migrants as passive actors (Bleiker et al. 2013). This research tends to portray migrants as either "victims" or "threats" (Chouliaraki and Georgiou 2017; Friese 2017). Particularly concerning their interactions with criminal entities, like smugglers and traffickers, migrants are frequently depicted as defenseless victims without autonomy (see, for example, Naím 2006). In this framework, interactions are characterized primarily by their nonconsensual nature, with the supposed victims having no control over their circumstances (Howard 2017) and migrants essentially reduced to the status of mere "things" (O'Connell Davidson 2016, 233).

In response to the frequent representation of passive migrants, studies spotlighting their capacity of "resisting" have proliferated in recent decades. In the context of migrants' criminalization, some studies have shown how migrants can challenge the labels assigned to them or adopt these categories strategically (Andersson 2014). For instance, on the one hand, they might identify with terms like "victim of trafficking" or "forced migrant" to align with certain classifications and access the rights associated with them (Plambech 2014). On the other hand, they might defy such labels through their actions (Nyers 2018) and even through

their migration journeys (Perkowski and Squire 2019). By emphasizing the ability of migrants to resist and challenge their criminalization, these researchers have not only emphasized migrants' roles as active participants in shaping their destiny but have also provided a richer portrayal of their experiences.

However, interpreting every response from migrants as resistance can lead to premature conclusions or, worse, a romanticized understanding of resistance. It is crucial to delve deeper into these studies to scrutinize their inherent assumptions and limitations. Specifically, we need to assess if certain foundational beliefs inadvertently prevent us from recognizing forms of agency that do not fit within the frame of "resistance" or whose outcome might reinforce the status quo. Crucial here is Mahmood's (2001) critical reading of Butler's theory about personal power and identity (212). Mahmood builds on Butler's ideas but argues that she misses out on a key point: that the ability to make change, in ourselves or the world, varies depending on our cultural and historical background and that, in consequence, agency is entailed not only in acts that result in change but also in some that maintain the status quo. Once we come to this understanding, we can see why migrants may be driven by desires other than just those oriented toward subversion and resistance; we can see how, through their actions, they can reproduce the very system that has criminalized them. If we only focus on migrants' intent to resist as the primary lens through which we view their daily actions, we risk overlooking the intricate dynamics of how criminalization processes are continually contested and reshaped through everyday practices. Understanding the nuances of migration requires a profound acknowledgment of how migrants themselves play a role in shaping their perceived criminality.

To move beyond conventional understandings and dive deeper into the intricate dynamics of migrants' roles in criminalization, Luigi Achilli's ethnographic study on unaccompanied minors in Lebanon offers insights into the multifaceted engagements of migrants with criminal enterprises. Rather than simply being passive recipients of exploitation, these migrants sometimes find themselves in positions where they actively reinforce or even capitalize on their own criminalization and marginalization to survive. Counterintuitively, such interactions highlight the nuanced realities of these minors' lives, revealing their agency where self-exploitation and participation in criminalized activities both perpetuate the structures of their criminalization and serve as a means to navigate their prolonged precariousness and vulnerability.

In a similar manner, delving deeper into the intricate ways migrants navigate criminalization, Dostin Lakika explores the choices of Congolese migrants in South Africa. They engage in diverse (il)legal endeavors, from selling counterfeit goods to offering security for unregistered firms. Rather than seeing these activities merely as opportunistic, Lakika frames them as a coping mechanism to the South African government's adversarial stance on migration. However, such strategies inadvertently fuel xenophobic sentiments and criminalizing narratives, thereby amplifying the sense of alienation for those perceived as outsiders. This dynamic underscores the complexity of Congolese migrants' engagements with criminalization: as they seek ways to cope with and navigate their precarious and

vulnerable circumstances, their actions can unintentionally reinforce the very structures of domination they are trying to mitigate.

In their analysis of the repercussions of the EU's externalization policies in Afghanistan, which persisted from 2015 through the governmental change in August 2021, Ruta Nimkar and Abdullah Mohammadi highlight a consequential moral rift that developed between the EU and Afghan smugglers. Rather than merely reacting to these policies, smugglers carved out a distinct moral paradigm that legitimized their actions. In this dynamic interplay, the smugglers express a form of resistance to EU migration policies in the region by fortifying the very smuggling infrastructure that the EU seeks to combat.

Federica Infantino's research further complicates our understanding of migrants' agency in the face of criminalization. Through her ethnographic work in the UK's largest immigration detention centers, she unveils a counternarrative: anticipating resistance, Home Office frontline workers design their strategies around these expected behaviors. This is not a straightforward reflection of migrants actively resisting, but a systemic anticipation of it. This anticipatory stance, deeply rooted in the pervasive perception of migrants as resisters, shapes the very fabric of the detention environment. Thus, while the dominant discourse celebrates migrants' agency as resistance, Infantino highlights that, in some cases, it is the expectation of such resistance that drives criminalization and casts migrants into roles they may not have actively chosen.

Conclusion: Decriminalization of Migration?

This volume of *The ANNALS* seeks to move beyond a reductive dichotomy that paints migrants as being ensnared in a perpetual tug of war between repression and resistance. We argue that the lived experiences of migrants are best understood as multifaceted strategies of survival and, as such, deserve a comprehensive and nuanced exploration.

As a result of the COVID-19 pandemic, systemic strains have intensified global mobilities and strengthened criminalizing practices. The harrowing scenes of migrants crossing the Mediterranean now echo in the Darién jungle between Panama and Colombia, as thousands of people head to the U.S. These stark realities underscore irregularized migration as a last-resort survival strategy for many in the Global South. In reaction, states worldwide have amplified border controls. Recently, Saudi guards attacked Ethiopian migrants; and in Texas, barriers with barbed-wire-laden buoys were placed in the Rio Grande. This upswing in policy violence, rationalized through the criminalization of migrants, openly jeopardizes their lives. The escalation of the policy of violence against the migrant population involves an open production of their death, justified by their criminalization. The principal driver for the ongoing criminalization of migrants and migration is the self-perpetuating crisis narrative, which allows governments to make use of exceptional powers and to circumvent conventional democratic procedures in lawmaking. In light of the exacerbation of criminalization,

some scholars have started to speak of “hyper-criminalization” (Rios 2007) or “overcriminalization” of migration (Chacon 2012). Hypercriminalization and overcriminalization not only result in disproportionate public spending in the criminal justice system (and in overcharging so-called criminals) but also can create new harms for the wider public. Our focus on the manifold facets and consequences of the criminalization of migration and the responses of migrants and migrant groups leaves open the question of how to encourage global trends that would foster the decriminalization of migration.

While social protest movements congregate around slogans, such as “no borders, no nations, no deportations,” and politicians promise to tackle the root causes of forced migration, many social researchers find it hard to define what the decriminalization of migration could eventually look like or provide clear-cut recommendations on how to overcome the current state of affairs. In the long term, the decriminalization of migration requires political leadership that is prepared to develop policies—or even an entirely new global migration regime—grounded in the protection of the fundamental human rights of migrants and supported by active civil society movements (see Atak and Simeon 2018). Meanwhile, short-term approaches to counter the criminalization of migration include mass rallies and strategic litigation that turn courts into sites for resistance and social mobilization (Haddeland and Franko 2022). In the concluding chapter of this volume, Andrew Geddes makes a plea for producing new knowledge of, about, for, and against criminalized migration. In particular, he is calling to build and sustain alternative knowledge regimes that counter state narratives to contribute to positive changes and harness migration’s potential as a development resource. Any such change must be grounded in the effective application of human rights and effective protection.

As the unsolved tension between mobility and control is a defining feature of the 21st-century global apartheid, social scientists should continue to produce situated and critical knowledge about the paradoxes and brutalities of governing migration through criminalization and about the emergence of new forms of resistance. Standing in a privileged position, one that affords us the opportunity to investigate migrants’ struggles, we are summoned to respond to their urgent demands, join a collective effort to humanize policies on a global scale, interrupt the current commitment to producing more migrant deaths, and work to protect and sustain those lives on the move.

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