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'We are all refugees': how migrant grassroots activism disrupts exclusionary legal categories

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ABSTRACT

Migrant activists with precarious legal status mobilize against border regimes in Berlin under the label of 'refugees'. They engage in a classification struggle through which they disrupt the legal notion of refugee by reappropriating an externally assigned category. Their struggle is crucial because legal status categories produce an exclusionary system in which only some migrants can obtain residence rights as well as other rights. I contend that migrants, in the context of their mobilization, collectively interpret their structural position vis-a-vis border regimes, characterized by oppression and exclusion. This collective interpretation is associated with the emergence of a refugee* collective identity that disrupts the legal notion of refugee. I argue that migrants mobilize under the label of 'refugee' not only for strategic reasons but also because of their shared beliefs regarding the unfairness of the asylum system. The refugee* collective identity not only disrupts exclusionary legal status categories but also interrupts some of the divisions among migrants that border regimes produce. This article contributes to showing that while migrant activism takes place in a political field that is not chosen by migrants, it has an impact on the regulatory framework that characterizes that political field. Moreover, my findings emphasize the importance of the connections between structural forms of oppression, including regulatory frameworks and classificatory systems, and collective identity processes emerging in the mobilization of subaltern groups.

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Introduction

In 2018, grassroots organizations (GROs) in Berlin mounted a challenge against the new restrictive asylum policies that the conservatives (CDU–CSU) and the social democrats (SPD) agreed to. These policies included measures restricting family reunification, extending compulsory accommodation in asylum shelters, and facilitating deportation.¹

On 20 June, three GROs organized a protest in front of the parliament building. In the context of the preparatory meetings prior to the protest, the activists drafted a text for an outreach flyer that stated: 'We identify ourselves as refugees because in Germany we are treated as refugees. With the label "refugees", we experience discrimination and violence.'²

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In the context of their collective action challenging border regimes, activists engage in a classification struggle in which power over classificatory schemes and systems is at stake (Bourdieu, 1984). They mobilize under the label of ‘refugees’, which is both a legal category and a discursive practice associated with the ideas of acceptance and deservingness that states often oppose to the idea of ‘undeserving economic migrants’ or ‘bogus refugees’ (Vollmer & Karakayali, 2018).

In this article I explore the struggle in which migrant activists engage against the classificatory systems embedded in border regimes. I seek to understand the interaction among externally assigned categories, namely the category of refugee, the experiences of migrants with precarious legal status and collective identity processes taking place within migrant grassroots organizations.

Externally assigned categories and exclusive identities can provide opportunities for oppressed groups, including migrants with precarious legal status, to mobilize collectively and to disrupt some aspects of the status quo (Monforte, 2021; Polletta & Jasper, 2001; Steinhilper, 2021). If regulatory frameworks, such as the system through which the state classifies migrants and assigns them legal status categories, can produce niche-openings for mobilizing (Nicholls, 2014), these very frameworks may also be disrupted by the mobilization that they set in motion (Bourdieu, 1984; Swerts & Nicholls, 2021)

The classification struggle in which migrants engage is fundamental as classificatory systems constitute the basis for their exclusion and their lack of access to rights. I argue that by collectively interpreting the structural forms of oppression they are subject to, migrants mobilize under the label of ‘refugee’ not only for strategic reasons but also because of their shared beliefs regarding the exclusionary connotation and unfairness of the asylum system. By identifying themselves as refugees*, migrant activists and migrant grassroots organizations disrupt the legal notion of refugee, claim equal access to residence rights for everyone irrespective of legal status, and interrupt some aspects of the fragmentation produced by the state classificatory system. Their identification as refugees*, irrespective of legal status, marks the difference between how migrant activists identify themselves and the discursive and legal connotations of the notion of refugee.

The rest of this article proceeds as follows: the next section conceptualizes the impact that classification struggles may have on exclusionary categories and labels, especially in relation to classificatory systems embedded in border regimes. Then, I briefly introduce the methods through which I collected my data. In the third section, I present how activists identify themselves as refugees* both in relation to the regulatory frameworks they are subject to and beyond their legal status. In the fourth section, I discuss how migrant activism disrupts legal status categories and specifically the legal notion of refugee. In the last section, I argue that the refugee* collective identity interrupts, in specific circumstances, the fragmentation and the divisive impact that legal status categories have on migrants and migrant activism. I then conclude by briefly summarizing my findings and drawing some key conclusions.

Migrant activism and classification struggles challenging exclusionary legal notions and categories

State authorities assign legal status categories to migrants through processes that scholars have criticized for their arbitrariness and their role in criminalizing migration (Kelly, 2011; Scheel & Ratfisch, 2014). The bureaucratic system of categorization of migrants results in a myriad of legal status categories, or taxonomies and nomenclatures, as Mezzadra refers to them (Mezzadra, 2015). States rely on these categories to ensure that border policies apply to migrants who have already reached their territories; these taxonomies and nomenclatures enable the ‘multiplication of borders’ and the state overreach beyond geographical borders (Mezzadra & Neilson, 2013). Moreover, they produce stratified access to legal rights as migrants’ access to residence rights, family reunification or the right to work, among other rights, is conditioned on their legal status (Morris, 2006; Nash, 2009).

Legal status categories often result in the fragmentation of migrant mobilizations as groups of migrants with different legal statuses may formulate divergent claims, follow different strategies, or give rise to dynamics of distinction among groups (Nicholls et al., 2021; Swerts & Nicholls, 2021). In Berlin, for example, different legal statuses produced divisions in the mobilization associated with the protest camp that was established by migrant activists in Oranienplatz between 2012 and 2014 (Ataç & Steinhilper, 2020; Fontanari, 2017; Fontanari & Ambrosini, 2018; Steinhilper, 2021; Stierl, 2019).

Despite their role in oppressing migrants, classificatory systems are not immutable or exempt from becoming targets of the agency set in motion by migrants while mobilizing. Bourdieu has argued that classifications produce the classes ‘although these classifications are the product of the struggles between the classes and depend on the power relations between them’ (Bourdieu, 1984, p. 4790). Following Bourdieu, if classificatory systems are tools supporting the state’s implementation of border regimes, they are also the product of struggles, including those weaved by migrant activism against the state. Indeed, legal status categories do not fully determine the identity, strategy, and trajectories of grassroots migrant mobilization. Migrant activists, together with their allies, engage in classification struggles; while migrants operate in a political field that is not entirely of their own choosing, their collective action can interrupt and disrupt the status quo (Bourdieu, 1984; Swerts & Nicholls, 2021).

Externally assigned categories can be appropriated by subaltern groups for strategic reasons. In the context of migrant activism, Steinhilper has argued that the mobilization of migrants in France under the label of ‘undocumented migrants’ and in Germany under the label of ‘refugees’ is associated with strategic choices stemming from the different politicization of migration issues in the two countries (Steinhilper, 2021). Monforte has emphasized that the label of ‘forced migration’ enables migrant activists in Germany to present their mobilization as a form of resistance through which they exercise agency (Monforte, 2021).

Apart from their strategic value, externally imposed categories may also become part of collective identity processes in which social actors challenge the meanings associated with those categories (Buechler, 2000; Rupp & Taylor, 1999; Snow, 2001; Whittier, 1995). Externally imposed identities can indeed be the basis not only for oppression but also for resistance (J. Gamson, 1995; Whittier, 2002).

Collective identities are not rigid or a-temporal; they constitute interactive processes that may change over time. Multiple collective identities may overlap, and identity boundaries may coexist in the same movement (W. A. Gamson, 1991; Flesher Fominaya, 2010; Saunders, 2008). Identities and strategic choices are not antithetic as activists may also choose to give prominence to a specific collective identity for strategic reasons, for example, to advance specific claims or to oppose a specific type of domination (McGarry et al., 2015).

Social movement and Critical Citizenship Scholars have contributed to explaining how migrant mobilizations contest exclusionary legal categories. Social movement scholars have emphasized how the ‘illegality’ and the lack of residence rights became a shared collective identity, and the basis for formulating regularization claims, in undocumented migrant protests (Chimienti, 2011; Monforte & Dufour, 2013; Nicholls, 2013; Però & Solomos, 2010). Critical Citizenship Studies scholars have argued that undocumented migrants transgress the legal notion of citizenship, which they are excluded from, by performing acts of citizenship in the context of protests which allow them to make claims through various sites and scales (Ataç et al., 2016; Isin, 2008; Nyers, 2010; Rygiel, 2016).

Scholars have also emphasized that the mobilization of undocumented migrants carves out autonomous spaces from the state in which they construct networks of solidarity and develop an autonomous understanding of legal status categories from the state (Mezzadra & Neilson, 2013; Monforte, 2014; Monforte & Dufour, 2013). Monforte has argued that grassroots migrant organizations in Germany contest legal categories by proposing an autonomous understanding of the categories of asylum seekers and refugees (Monforte, 2014).

In this article, I contribute to these debates by emphasizing the processes through which migrant activists collectively interpret legal status categories, specifically the legal category of refugee, as exclusionary. I contend that these collective interpretations stem from the structural position of exclusion experienced by migrants with precarious legal status vis-à-vis border regimes. By exploring the bases on which the refugee* identity emerges, I contribute to explaining how collective identities are associated with experiences of exclusion and how they result in the reappropriation of externally assigned categories and the disruption of their divisive impact.

Methods and data collection

This article is based on the ethnography of the movement opposing border regimes that I conducted in Berlin between January and November 2018. I carried out participant observation with five grassroots organizations (GROs), including two grassroots migrant organizations. In the latter organizations, migrant activists had a frontline role in the mobilization against border regimes. Some German and/or European activists also mobilized in these organizations, although they tended to support the mobilization ‘behind the scenes’ (Ünsal, 2015).

Participant observation enabled me to collect data regarding the day-to-day mobilization of migrant activists, which often occurred in submerged networks (Melucci, 1989). Participant observation was crucial to collect data regarding the collective identification of migrants as it emerged from their mobilization and the association between collective identities and frames through which they formulated their claims against border regimes.

Moreover, I collected data by participating in dozens of protests and other repertoires of contention, such as activists' camps or outreach initiatives, organized by these five grassroots organizations, often in cooperation with other organizations with which they had established ties and alliances. Participant observation of less visible repertoires facilitated the collection of further data regarding collective identities, specifically the modalities through which they emerge from the collective interpretations of status categories and other aspects of the classificatory systems embedded in border regimes.

Apart from participant observation, I also conducted 37 in-depth qualitative interviews with activists who mobilized with either the five grassroots organizations in which I conducted participant observation (17 interviews) or with other organizations (15 interviews with activists who mobilized with 12 organizations). In these interviews, I explored the activists' interpretations of legal status categories, whether they identified themselves through those categories, and the impact that their activism had on classificatory systems.

I was an active participant-observer (Johnson et al., 2006) as I fully participated in the activities of the organizations that I observed. Although my role varied across organizations, it generally involved supporting protests, commenting on public speeches as well as translating and ensuring coordination among organizations. My active participation was conducive not only to reducing the conspicuousness of my presence as an outsider and to establishing trust and rapport with my informants but also to mitigating their scepticism of academic research.

Collective interpretations of shared experiences of exclusion and unfair outcomes of the asylum system

On the one hand, the classification system embedded in border regimes in Germany imposes shared experiences of exclusion on migrants who claim asylum. On the other hand, it produces very different outcomes for different groups of migrants; the myriad legal status categories embedded in border regimes divide migrants and create stratified access to rights, which become the main target of the classification struggle in which migrant grassroots organizations engage. In this section, I argue that migrants, while mobilizing against border regimes, collectively interpret these shared experiences of exclusion and the differentiated outcomes of the asylum system; this collective interpretation is associated with their identification as refugees*, beyond the legal meaning of the 'refugee' category.

When I asked Hamid, one of the Pakistani activists whom I met at the beginning of my ethnography, whom he considered being a refugee, he emphasized: 'All those who apply or have applied for asylum in Germany are refugees because they are subject to the same rules [imposed by the asylum system]'.³

Philomena, a German activist who engaged with a grassroots migrant women's organization, established a similar connection between the notion of refugee and experiences shaped by border regimes. In an interview, she emphasized:

When we go to the *Lager*, all the women living there are for us refugees. The asylum laws affect them, they live in *Lager*, they get little money, they can't move a lot because of the *Residenzpflicht* [residence requirements]. These women live under the same conditions.⁴

Indeed, one of the shared experiences that activists who mobilize with grassroots organizations interpret as exclusionary is the compulsory residence in reception and asylum accommodation (Jakob, 2016; Odugbesan & Schwiertz, 2018; Perolini, 2020). Activists referred to and reflected upon these experiences in individual interviews as well as in their day-to-day activism, including during protests or when engaging in other repertoires. For example, when I asked Paul, an activist from Cameroon whose asylum request had been rejected, about the main problems that people faced in shared asylum accommodation, he emphasized the restrictions on freedom of movement and the control that the authorities exercised on migrants. He told me:

In the *heim* [shared accommodation], you are like in a prison. There is no privacy, you have to leave a copy of your ID to go in and out, there is security, and you share a room with many people. It's absurd not to be able to leave your home and to come back when you want.⁵

In 2018, all migrants applying for asylum had to live in designated reception centres for up to six months. They could not leave the district where their reception centre was located for three months (this restriction is commonly known as *Residenzpflicht*).⁶ After six months the authorities transferred those who were still waiting for their asylum application to be assessed to a shared asylum accommodation. In protests, grassroots migrant organizations often framed reception centres and shared asylum accommodation as *Lager* (camps), a term that bears a particularly negative connotation as it is commonly used to refer to the transit, labour, concentration, and death camps during the Nazi regime. In these camps, migrants are subject to control and live in isolation as they often have few contacts with the external world. Individual experiences of exclusion, isolation and segregation in camps become part of shared diagnostic frames, that are common interpretative patterns regarding a specific problematic aspect, among grassroots migrant organizations, and a component of collective identities (Benford & Snow, 2000). Grassroots organizations oppose the compulsory accommodation of migrants in camps and call for them to be abolished (Fontanari, 2015; Perolini, 2020).

While experiences of isolation in camps are shared among migrants claiming asylum and are embedded in the existing regulatory framework, the waiting times and outcomes of the asylum process greatly vary (Gürer, 2019; Kosyakova & Brenzel, 2020). Many of the migrant activists who mobilize with grassroots organizations hold precarious legal statuses; many have appealed against the rejection of their asylum claims or hold a 'duldung', which expose them to the risk of deportation (Steinhilper, 2021). The asylum system produces particularly unfair outcomes for these migrants with precarious legal statuses.

In regular meetings of grassroots organizations that I attended, migrant activists often spoke about the toll that border regimes had on them; specifically, they referred to long waiting time, rejection of asylum claims, and precarious legal statuses. They often talked about their fears stemming from their precarious legal status, in particular the fear of deportation. For example, the weekly meetings of a migrant grassroots organization, which I attended from February to October 2018, always started with a round of introductions when migrant activists shared information about their physical and mental health, their family situation, or their legal status. The moderator of the meeting, a function that activists took up on a rotating basis, usually summed up the general feelings prevailing in the room at the end of the introductory round. Moderators very

often observed that most migrant activists were stressed and worried because of the uncertainties associated with their asylum application and the barriers in accessing residence rights and other rights.

Against the backdrop of the varied outcomes of the asylum process, grassroots organizations frame the asylum system as unfair as it gives priority to some groups of migrants by legally recognizing them as refugees while many others are left languishing in camps. For example, when I enquired about his opinions regarding the asylum system, Guillaume, a man from Cameroon who had then appealed against the rejection of this asylum application, emphasized: ‘The system divides us. There are refugees who have the priority, for example, those from Iraq, Syria, Iran and Eritrea. When they come to Germany, they get their residence permits while we don’t get it.’⁷

Guillaume referred to the higher chances for migrants from some countries, including Syria, to obtain refugee status.⁸ The system is divisive and unfair also in view of the stratified access to rights stemming from multiple legal status categories. State-recognized refugees enjoy residence rights, the rights to family reunification, and to work. In contrast, other migrants who are not recognized as refugees do not enjoy the same rights. For example, people with subsidiary protection have the right to work but limited access to family reunification.⁹ Those waiting for their asylum claim to be assessed and people who hold a ‘*duldung*’, which entails only a temporary ban on deportation, do not have any right to family reunification. Their access to employment is generally restricted and can be authorized by authorities only on a case-by-case basis.

Despite often holding precarious legal statuses, migrant activists collectively refer to themselves as refugees. For example, in January 2018, when I started attending the meetings of a grassroots migrant organization opposing deportation, I realized that all the Pakistani activists who were participating in the meetings identified themselves as refugees. I also noticed that German and European activists referred to them as refugees. In one of the first meetings that I attended, Omer, a Pakistani activist, explained that he did not feel safe in the asylum shelter where he lived as the authorities could have identified him for deportation. He asked others to support him and some other Pakistani activists finding a privately rented flat. Thus, some of the Pakistani activists were at risk of deportation as they had received a negative decision on their asylum claim.

Migrant activists mobilizing in other GROs similarly considered themselves as refugees although they often held precarious legal statuses and faced the risk of deportation. They collectively identified themselves as refugees*, by assigning to the notion of refugee a meaning other than the one embedded in the state classificatory system.

The refugee* collective identity contests the unfair outcomes of the classificatory systems upheld by the state. These systems, which elevate the notion of refugee at the top of legal hierarchies, is framed as unfair and as a form of migration control. Indeed, grassroots organizations do not invoke the right to asylum when they formulate their demands against border regimes as they frame the legal category of ‘refugee’ as exclusionary. For instance, in an interview, I asked Ester, a German activist who mobilized with a network of grassroots organizations, why they did not mobilize for the right to asylum. Ester told me:

We don't formulate our claims around the right to asylum because it implies that the nation state is allowed to decide if people can be here or not. It's a form of migration control [...]¹⁰

As Ester suggests, and as I argue in the next session, the refugee* collective identity disrupts the asylum system and the legal notion of refugee, as activists interpret both as exclusionary. Migrant activists often hold precarious legal statuses and share the view that they occupy the bottom of the classificatory system embedded in border regimes, which excludes them from enjoying the rights available to those migrants who are recognized as refugees by the state.

The disruption of the legal notion of refugee and the asylum system

Activists who mobilize with grassroots organizations contest the discursive distinction that the state draws between 'deserving refugees', who can get residence rights, and 'undeserving economic migrants' or 'bogus refugees' who should be denied protection and being deported (Vollmer & Karakayali, 2018).

In this section, I argue that the activists' collective identification as refugees* beyond the legal meaning of the 'refugee' category is an act of disruption of institutionalized norms and practices (Swerts & Nicholls, 2021), namely the asylum system and its taxonomies and nomenclatures (Mezzadra, 2015).

The refugee legal status is premised on the risk of identity-based persecution, which is a notion embedded in both international and German refugee law.¹¹ In protests and in their day-to-day mobilization, activists identify themselves as refugees*, irrespective of their legal status, as they collectively interpret the legal notion of refugee as too restricted. Specifically, they frame the notion of identity-based persecution as problematic as it excludes people experiencing other forms of oppression, especially poverty, from obtaining refugee status in Germany.

For example, when I asked Charles, an activist from Cameroon who had appealed against the rejection of his asylum claim, to explain his understanding of who a refugee was, he emphasized: 'Someone who is persecuted in their country and who looks for a safe place'. Charles argued that impoverishment also constituted a form of persecution. He pointed out: 'There are people in Africa who flee because, despite their countries being rich in natural resources, they have been impoverished by ill-conceived policies'.¹²

Charles challenged the idea that identity-based persecution was the only legitimate reason for obtaining refugee status. He referred to processes of impoverishment that countries in the global south experienced during colonialism and the resulting global inequalities as reasons for migrating that deserve recognition.

In interviews, activists emphasized that while the notion of refugee was associated with the idea of deservingness, the state used the migrant label to deny residency rights and to establish hierarchies among migrants. For example, Paul, an activist from Cameroon who had also appealed against the rejection of his asylum claim, told me:

Society doesn't consider me a refugee. This difference between migrants and refugees implies the superiority of refugees. Politicians established those differences, but I think we should be considered as refugees because we fled our home for good reasons. For example, Cameroon is poverty-ridden and there is no employment and Europe is historically responsible for that. But they considered you as a migrant because they don't want you to stay.¹³

Paul and other activists alike contest the inequality and the stratified access to rights (Morris, 2006) embedded in the asylum system as well as the hierarchies among multiple legal statuses, which the state relies on to control migration (Crawley & Skleparis, 2018; Vollmer & Karakayali, 2018). Migrant activists are aware of the negative connotations associated with the notion of migrant; for these reasons, they strategically identify themselves as refugees (Steinhilper, 2021). However, their choices regarding how to define themselves are not shaped only by strategy; they also rely on their belief that they all migrated for good reasons, that the refugee legal category is exclusionary, and that the asylum system produces unfair outcomes in relation to access to rights. These beliefs intertwine with strategic considerations in the processes through which the refugee* collective identity emerges (Melucci, 1989, 1996; Polletta & Jasper, 2001).

Many of the migrants who mobilize in grassroots organizations have seen their asylum claims being rejected and live in a status of deportability (N. De Genova, 2005; N. P. De Genova, 2002). By embracing the refugee* collective identity, grassroots migrant organisations claim the right of all migrants to remain in Germany irrespective of their legal status. For example, one of the main demands that grassroots organizations formulated ahead of a large anti-racist protest that took place in Hamburg in September 2018 was premised on equal enjoyment of rights for everyone. The manifesto for the protest stated:

Rights must apply to everyone, indiscriminately and without gradation, regardless of passport or status. We demand equal social and political rights, freedom and human rights for all those who are present – indiscriminately and throughout Europe.¹⁴

Grassroots organizations reject the idea that only state-recognized refugees should have access to residence rights and to other legal rights such as the rights to work and to family reunification. The refugee* collective identity is associated with a claim for equal rights for all migrants in Germany irrespective of their legal status. Indeed, GROs frame their claims against border regimes through the idea of the right to stay, which implies residence rights for all migrants in Germany and, in the longer term, the redundancy of the asylum system through which the state assigns legal status categories (Perolini, 2021).

Disrupting the fragmentation that border regimes impose on migrants

The refugee* collective identity has a great potential for disrupting the divisive impact of legal hierarchies among migrants by enabling ties of solidarity (Chauvin & Garcés-Mascareñas, 2014; Swerts & Nicholls, 2021). The divisive impact of legal status categories has, for example, been documented in the context of the protest camp in Oranienplatz,

Berlin, between 2012 and 2014. Divisions among activists along the lines of legal status gave rise to different grievances and claims, which ultimately fragmented the movement (Fontanari, 2017; Fontanari & Ambrosini, 2018; Steinhilper, 2021; Stierl, 2019).

In this section, I argue that the opposition to the legal notion of refugee and other exclusionary legal categories can stimulate alliances among groups of migrants with different legal statuses as it happened in 2018. Activists made then use of cracks in an ever-tightening regulatory framework. Indeed, the government's further curtailment of migrant rights resulted in a niche opening that stimulated the joint mobilization of migrants holding different legal statuses

In February 2018, Family Life for All, a grassroots organization composed of mainly Syrian and German activists, staged several protests to oppose the tightening of the rules on family reunification, which affected specifically migrants with subsidiary protection status, many of whom were Syrians.¹⁵ Both refugees and people with subsidiary protection status had the right to reunite with members of their families in Germany prior to the changes. The abolishment of family reunification for people with subsidiary protection status deepened the divide between them and legally recognized refugees regarding their access to rights. Daniela, a German activist who mobilized with Syrian activists against the restrictions on family reunification opposed this newly established hierarchy by emphasizing that: 'family reunification should be available to all refugees irrespective of their protection status'.¹⁶

Other grassroots organizations opposed the new restrictions on family reunification despite them not bearing a direct impact on most of their activists as they had not obtained the legal status of subsidiary protection. For example, the Cameroonian or Pakistani activists whom I met were not directly affected by the new policy as they either were waiting for a decision on their asylum application or had precarious legal statuses that did not grant them the right to family reunification. They supported the claims against the limitations on family reunification that Family Life for All formulated, for example, in the context of the protest organized on 20 June 2018 against the new asylum policies (see introduction). In a speech that he read at the protest on behalf of one grassroots organization, a migrant activist emphasized:

The law limiting family reunification that the German Parliament has recently voted is an obstacle to family rights and prevents refugees from living a harmonious family life.¹⁷

tightening border regimes that occurred in 2018, the refugee* collective identity enabled solidarity among groups of migrants with different legal statuses and counteracted the state's attempt to divide them into distinct categories that often fragment collective action (Swerts, 2021). The tightening of border regimes promoted by the newly elected government in 2018 produced a moral shock (Jasper, 2014) that resulted in an enhanced social movement activity (Perolini, 2021).

The new restrictions on family reunification strengthened hierarchies among migrants holding different legal statuses, specifically in relation to access to rights. The refugee* collective identity is associated with interpretative frames that conceive these hierarchies as the product of an unjust asylum system based on the exclusionary legal notion of refugee, which the state relies on to promote discursive strategies that deny residence

rights and facilitate deportations. The tightening of rules on family reunification contributed to increasing the saliency of these frames and to strengthening solidarity among groups of migrants.

Conclusions

In this article, I have addressed the classification struggle in which grassroots migrant organisations in Berlin engage. Classificatory systems are decisive objects of struggles as the fate of groups is often bound with the name and the categories used to designate them (Bourdieu, 1984, p. 478). I have specifically focused on the disruption that migrant activism brings to the taxonomies and nomenclatures embedded in border regimes (Mezzadra, 2015), the asylum system, and the fragmentation produced by multiple legal status categories.

I have contended that migrants reappropriate the legal status category of ‘refugee’, mobilize around it and proposed an alternative meaning that disrupts the power of that category to discern between migrants deserving recognition, protection and rights, and those who do not and can thus be deported or pushed into a situation of deportability (N. De Genova, 2005; N. P. De Genova, 2002). This is a fundamental struggle for migrants because legal status categories, embedded in an exclusionary regulatory system, produce stratified access to rights for migrants as a function of their legal status.

Scholars have emphasized how migrants mobilize under the category of ‘refugee’ (Steinhilper, 2021) or ‘forced migration’ (Monforte, 2021) for strategic reasons. I argue that the collective identification of precarious migrants as refugees* goes beyond strategic considerations as it is associated with specific collective identities processes; migrants collectively interpret their structural position and their experiences of exclusion that are shaped by border regimes. They conceive their isolated lives in segregated accommodation as unfair also in view of differentiated outcomes of the asylum procedure in which only some migrants obtain protection and rights. I argue that migrants identify themselves as refugees*; they reappropriate and disrupt the legal category of ‘refugee’ by claiming equal rights irrespective of the state classificatory systems. They collectively identify themselves as deserving rights and protection as they all left their countries of origin for valid reasons. Thus, my findings emphasize the importance of the connections between structural forms of domination, including regulatory frameworks and classification systems, and collective identity (Buechler, 2000; Taylor & Whittier, 1992). Collective identities do not simply stem from cultural symbols, ideas, or artefacts but also from the collective interpretation of shared experiences of oppression as problematic, and as outcomes that are not immutable but can be resisted.

I have contended that the refugee* identity inspires forms of solidarity among groups of migrants holding different legal statuses. This is not to say that the fragmentation produced by the taxonomies and nomenclatures embedded in border regimes cease to operate or that the classification struggle that I analyzed in this article intrinsically disrupts that fragmentation. As Nicholls and Swerts have argued, migrant activism is associated with a tension between disruption and reproduction of the status quo; the two contradicting logics often manifest themselves in grassroots mobilizations of migrants (Swerts & Nicholls, 2021). The disruptive potential of the refugee* collective identity

overtakes hegemonic mechanisms producing fragmentation in specific instances, for example, when niches openings or moral shocks occur in the political field in which migrant activism takes place.

The disruption that migrant activism in Berlin brings to classificatory systems embedded in border regimes is not fixed or everlasting; as Swyngedouw has argued, the disruptive character of migrant protests is often ambiguous, particular and locally situated. Moreover, collective identities and strategic choices made by activists also evolve in conjunction with both macro-changes at the political level and micro-changes occurring within movements (Della Porta & Diani, 2020).

However, the disruptive potential associated with migrant activism needs to be analyzed in view of the political sequence that it could set in motion, particularly in view of the alliances between migrant activists and other movements (Swyngedouw, 2021). The potential of alliances and solidarity between migrant grassroots organizations and more mainstream organizations opposing migration and asylum policies as well as other movements requires further research. It would be particularly beneficial to further understand whether the opposition to legal hierarchies by migrant organizations can spill over into the mainstream and have an impact on the demands of less radical organizations, including NGOs and international advocacy networks.

Notes

1. New restrictive asylum policies were included in the governmental coalition agreement that paved the way for the appointment of a coalition government between the conservatives (CDU–CSU) and the social democrats (SPD) following parliamentary elections that had taken place in September 2017.
2. Ethnographic notes of the weekly preparatory meetings that took place in May and June 2018.
3. Ethnographic notes taken on 12 June 2018.
4. Interview with Philomena, 4 September 2018.
5. Interview with Paul, 9 September 2018.
6. Article 59a (1) of the Asylum Act. In 2019, the authorities made these rules more stringent. Since then, people who claim asylum must stay in reception centres for 18 months, during which the *Residenzpflicht* applies.
7. Interview with Guillaume, 3 July 2018.
8. For example, in 2018, while 41,6% of Syrians applicants obtained the refugee status, only 1.6% of the Cameroonian asylum seekers were granted the status of subsidiary protection.
9. The right to family reunification for people with subsidiary protection was suspended in 2016 and then abolished in 2018. Since then, authorities can grant a monthly quota of 1,000 visas to family members of people with subsidiary protection.
10. Interview with Ester, 11 September 2018.
11. According to Article 3 of the Asylum Act, refugee status (*Flüchtling*) is granted to people who have a ‘well-founded fear of persecution’ in their countries of origin because of specific identity characteristics such as race, ethnicity or religion”. See also Article 1 of the 1951 Convention and Article 1 of the 1967 Protocol.
12. Interview with Charles, 16 August 2018.
13. Interview with Paul, 9 September 2018.
14. Demands of *Welcome United*, point 2, <https://www.welcome-united.org/en/demands/>

15. Around 69.5% of the overall number of asylum seekers who obtained the status of 'subsidiary protection' in 2018 were Syrians (Bundesamt für Migration und Flüchtlinge, BAMF, 2018). The percentage of Syrians who obtained subsidiary protection status rose from 0.1% in 2015 to 39.7% in 2018.
16. Interview with Daniela, 17 August 2018.
17. Ethnographic notes and audio records taken on 20 June 2018.

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