

CREATING UNDOCUMENTED EU MIGRANTS THROUGH WELFARE: A conceptualization of undeserving and precarious citizenship

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Abstract. *As debates on so-called “welfare tourism” intensify in different parts of the EU, welfare policies are increasingly becoming instruments for limiting the mobility of certain EU migrants. In this paper, we focus on EU citizens who see their freedom of movement in the EU being restricted after they have applied for social assistance or unemployment benefits in their country of residence. Similar practices are known to have been applied to ethnic minorities in several Member States (e.g. Roma) in recent years. However, this paper reveals a wider move to restrict the mobility of the poor in general. Based on ethnographic fieldwork conducted with Italian migrants who moved to Belgium during the economic crisis that started in 2008, the paper seeks to conceptualize undocumented EU migration by means of the concepts of “deportability”, “deservingness” and “precariousness”.*

Keywords: Belgium, deservingness, deportability, European Union, freedom of movement, illegality, Italy, migration, precariousness, schizophrenic welfare state.

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In the dual context of increased Central and Eastern European migration after 2004 and the global financial and economic crisis after 2007, several Northern European Member States have implemented (or debated) reforms of their welfare regimes designed to restrict access to migrants coming from other EU Member States (Lafleur and Stanek, 2017). In spite of the mounting evidence that benefits play only a limited role on migration decisions (see among others Kvist, 2004; Giulietti and Wahba, 2012; OECD, 2013), debates surrounding so-called “welfare tourism” and the fiscal cost of migration are intensifying in different parts of the EU. To be sure, freedom of movement in the EU has never been unconditional and safeguards have traditionally allowed Member States to make sure that EU citizens who move to their territory are either economically active or self-sufficient (Maas, 2013). However, with the economic and financial crisis, welfare policies are increasingly being turned into instruments for limiting the mobility of EU migrants.

Sociologists studying the freedom of movement have traditionally approached the issue of social rights of mobile EU citizens in one of two ways. On the one hand, North Western EU citizens’ mobility is traditionally presented as unproblematic from the receiving societies’ viewpoint. This is the case for mobile EU citizens who possess marketable skills or are economically self-sufficient – for example, Adrian Favell’s “Eurostars” (2008), or Northern European pensioners residing in Southern Europe (see for instance King, Warnes and Williams, 2000). On the other hand, studies on post-enlargement Central and Eastern European EU migrants have often focused on the impact of such migration on the receiving countries’ labour markets (see for instance Black, Engbersen, Okólski and Panțiru, 2010) and the way in which welfare use by some EU citizens can become a contentious topic in receiving societies. There is a wave of recent publications devoted to “irregular EU migration” by Roma and their deportation as EU citizens (Fassin, Fouteau, Guichard and Windels, 2014; Parker and López Catalán, 2014; Van Baar, 2013).

This article, however, explores the terrain between North Western “Eurostars” and Eastern “euro-villains”, where there is a multiplicity of ways of experiencing the status of undocumented EU migrant. Focusing on EU citizens from older Member States whose mobility became contentious after the beginning of the financial and economic crisis, we aim to show that restrictions to the “mobility of the poor” is an EU-wide phenomenon that transcends specific national and ethnic groups in Europe. Drawing on recent literature on undocumented migration, we will also show how the use of welfare by poor EU migrants leads to their depiction as a group that is “undeserving” of the right to freedom of movement. However, we will also show that while poor EU migrants from Western European Member States are not deportable, they still need to develop strategies to demonstrate “deservingness” (Chauvin and Garcés, 2014) in order to stabilize their legal position in the receiving Member State. Finally, because there exist important discrepancies in rights among individual EU migrants who all lost their residence permit, we refer to their peculiar status in terms of “precariousness” (Goldring, Berinstein and Bernhard, 2009) to reflect this diversity.

Freedom of movement and welfare in Europe

Freedom of movement is the achievement of the European integration process that EU citizens are most attached to (Eurobarometer, 2013). Whilst this freedom was never

unconditional and safeguards have always existed in the name of protecting European welfare states from abuse, EU migrants' access to social protection in destination countries was not always the controversial topic that it is today. Right after World War II, North Western European states — like Germany, the Netherlands or Belgium — began to recruit large numbers of workers from the Mediterranean to participate in post-war reconstruction. For those states, it was not uncommon to openly advertise their level of social protection (e.g. paid holidays, health insurance, family allowances...) to convince Southern European workers to come and do jobs in heavy industries that were shunned by native workers. The post-war expansion of Western European welfare states was thus closely related to the expansion of the freedom of movement of workers. Social citizenship — in Beveridgian terms — meant that immigrants could enjoy the benefits of the welfare state in exchange for the basic duty of work.

The signing of the Treaty of Rome in 1957 and the construction of the common market in the post-war context reflected this transactional approach to freedom of movement. At the time, the interests of North Western European Member States and Italy were converging in favour of freedom of movement: the former needed workforce for its industries while the latter saw in migration a means of alleviating rampant poverty and unemployment at home (Moravcsik, 1998). Coordination of social entitlements and supranational welfare provisions were thus discussed as possible ways to eliminate or reduce barriers to free movement. Member States, however, were careful to stress that social security was their exclusive competence and therefore insisted that Community social policy could only be defined through unanimous decisions (Maas, 2007). In this context, any explicit notion of supranational social citizenship — defined in a Marshallian approach as the right to a modicum of economic welfare and security for European citizens who live in another Member State than their State of nationality — was anathema to many Member States: they wanted to have the final say on who was to benefit from the protection of the welfare state and who was not. Nonetheless, citizenship discourses, European Court of Justice rulings and norms such as the 1968 Regulation 1612/68 on the freedom of movement of workers quickly went beyond EU worker rights per se, stressing that '[i]ndividuals mattered not only as participating workers, but also to some extent as citizens who enjoyed certain fundamental rights' (Olsen, 2008: 50-51). As noted by Maas (2007), rights to free movement thus gradually evolved from justified entirely in economic terms to being placed at the core of a new supranational European citizenship created by the 1992 Maastricht Treaty. However, access to social rights continued to be primarily determined by a direct relationship between individuals and Member States rather than the European Union.

Western European welfare states have progressively moved from “worker protection policies” towards “activation policies” that seek to help individuals to participate in the labour market. Such policies include life-long education, flexitime and tax incentives (Turner, 2001). The realignment has been adopted to varying degrees by different Member States but, as noted by Soysal (2012: 2-3), the Lisbon strategy adopted by the European Council in 2000 enshrined this social investment approach as a standard to which EU Member States committed themselves by creating

'a citizenship model that privileges individuality and its transformative capacity as a collective good (...). In this scenario, the “outsiders” are not only

immigrants, but also the “lesser” Europeans, who have the added burden of proving the potential and worth of their individuality.’

The principle according to which EU migrants ought to demonstrate that they are not a threat to the welfare systems of receiving Member States if they are to enjoy freedom of movement is visible at the policy level as well as in public discourse. For instance, protecting Older Member States from an influx of poor EU migrants was the motive behind temporary restrictions to freedom of movement of citizens coming from new EU Member States in Southern and Central and Eastern Europe. Most importantly, however, *Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* (hereafter referred to as “Citizenship directive”) explicitly limits the mobility rights of EU citizens who have less than five years of residence in their Member State of residence. Indeed, in the words of the directive, workers, former workers actively seeking employment, and persons who are not economically self-sufficient may lose their right to residence if they become an “unreasonable burden on the social system” of the host country (see next section).

The economic crisis has significantly strengthened the conviction held by certain Member States that freedom of movement should be limited to “deserving migrants” (a concept we discuss below). In the context of fiscal austerity and budgetary cuts, several Member States have begun to make more frequent use of the Citizenship directive to revoke residence permits from EU citizens who are using non-contributory social benefits. Certain other “undesirable migrants” — such as long-term unemployed EU citizens — have also had their residence permits removed because they are deemed to have “no reasonable chance of finding employment”. In 2013, four member states (UK, Germany, Austria and the Netherlands) also issued explicit calls to increase controls on the mobility rights of poor EU citizens. The calls for the curtailment of non-contributory in-work benefits that preceded and followed the Brexit referendum offer a further illustration of the long-term trend where social policies are increasingly used as a means to restrict the right to freedom of movement of EU citizens. Following Balibar (2002) and later Jansen, Celikates and de Bloois (2015), one can therefore argue that — while physical borders have been removed within the EU — controls such as those contained in the citizenship directive mean that the presence of borders is felt everywhere in the daily lives of poor immigrants who are in need of support from the welfare state.

Conceptualizing the irregularization of mobile EU citizens

Mobilizing concepts from the body of literature on undocumented migration and applying them to mobile EU citizens is far from straightforward. As noted by De Genova, “illegality” is the product of immigration laws. It is ‘a juridical status that entails a social relation to the state; as such, migrant “illegality” is a preeminently political identity’ (2002: 422). A large part of the literature on “illegality” tries to assess scientifically the success or failures of policies aiming at limiting mobility rights and reaffirming the dominance of the state perspective on migration. In doing so, it assumes that ‘undocumented migration is indeed a “problem”, that the state genuinely seeks to remedy this situation on behalf of the majority of its citizenry and that the state is capable of actually effecting the recommendations of such studies’ (De Genova, 2002: 421). Other scholars such as Harris (1995), Coutin (2000)

and Calavita (2005) have looked at migration from the standpoint of the migrants themselves. Studying what De Genova (2002) calls the “legal production of illegality”, they show that immigration and integration policies generate exclusion which is itself a necessary condition to maintain immigrants in their role of cheap and flexible workforce. In line with this perspective, our article extends this discussion to EU citizens by showing how decisions taken by Member States at the national and supranational levels to restrict their access to welfare produces illegality and ensures that EU migrants remain a docile workforce.

Certain authors have also suggested looking at deportability rather than illegality in order to acknowledge the fact that many undocumented migrants who can be arrested and deported at any moment by the authorities are not explicitly sought after (De Genova, 2002; Ellerman, 2009; Paoletti, 2010). Deportability thus means facing a permanent threat of detention and deportation which ensures the docility of the immigrant workforce. Nonetheless, as various rights that were once reserved for citizens have become accessible to non-citizens, “non-deportability” (together with some voting rights and the right to occupy certain public jobs) remains one of the few key markers that differentiate between citizens and non-citizens. Residence security is thus ‘at the core of what the essential legal essence of the citizenship status is now about’ (Kochenov and Pirker, 2013: 3).

In the European Union, European citizens residing in another Member State than their state of nationality experience various levels of deportability. As the number of EU migrants who see their residence permits removed on the basis of the 2004 Citizenship Directive increases, these differences become more obvious. Between 2009 and 2010, France expelled around 20,000 Romanian and Bulgarian citizens belonging to the Roma minority to Romania and Bulgaria. This large-scale campaign — which entailed the physical removal of EU citizens from French soil and the forcible destruction of allegedly illegal camps — created a major outcry in different parts of Europe. It was also roundly condemned by Commission Vice President Viviane Reding, who compared the actions of the French authorities with the treatment of minorities during World War II (Parker and López Catalán, 2014). The experience of Roma EU migrants strongly differs from that of undocumented Italian migrants in Belgium which we discuss in detail the next section. For the latter, deportation — understood as the physical removal from the territory of foreigners who do not hold a residence permit — is a purely theoretical possibility, as Italian migrants have never been deported on the grounds that they have used welfare benefits in Belgium.

Non-deportable EU migrants are not, however, a homogeneous and static category. Using the concept of ‘precariousness of status’ we will underline the fact that ‘one’s legal position in [a given] country — and hence the question of one’s rights, entitlements, access to services, obligations, responsibilities, and so on — cannot always be determined as a strictly black-and-white matter’ (Bernhard, Goldring, Young, Berinstein and Wilson 2007: 102). Looking at what happens when EU citizens lose the privileges associated with citizenship and how they transition from one status to another, we will show that the experience of non-deportability — a privilege reserved, it seems, for non-ethnicized EU migrants — differs in many ways. For example, as we show below with the concept of “the schizophrenic welfare state”, they experience different levels of precariousness because of the arbitrariness of the bureaucratic process that creates important variations in the social rights that undocumented EU migrants continue to receive after being served with a deportation order.

Moreover, undocumented EU migrants might be able to remain on the territory of a Member State either by disappearing completely from the radar of the public authorities or by regularizing their status (via a new registration process in their municipality of residence; a possibility offered only to undocumented EU migrants). For this reason, we use the concept of precariousness in line with Goldring, Berinstein and Bernhard (2009: 245) 'to describe multiple and potentially variable forms of non-citizen and non-resident status' (including non-status).

Lastly, we chose the concept of "deservingness" to help us analyse undocumented EU migrants' strategies for responding to precariousness. Other scholars have argued that an 'emerging moral economy of deservingness encourages irregular migrants to accumulate official and semi-official proofs of presence, certificates of reliable economic and legal conduct, and other formal emblems of good citizenship, especially — but not only — with a view to future legalization' (Chauvin and Garcés-Masareñas, 2012: 243). We will demonstrate that the concept of deservingness implies that, in order to maintain or restore their right to reside in their Member State of residence, EU migrants are expected to demonstrate to local authorities that they no longer represent a risk of becoming a burden on the public finances of that Member State. Demonstrating their ability to be self-sufficient without the intervention of the welfare state — or arguing successfully that such intervention is only temporary before they themselves become contributors rather than users of welfare — is key to maintaining residence rights in the EU today.

Creating undocumented EU migrants: the case of New Italian migrants in Belgium

Belgium is one of the Member States to have tightened their welfare policies with the purpose of restricting EU citizens' freedom of movement. Arguing that — in times of crisis— 'we needed to prevent foreigners from coming to Belgium to take advantage of the welfare system' (RTL info, 2014), the Secretary of State for Migration implemented a policy of systematic cross-checking between social security and migration databases in 2010. Under this policy, EU citizens who use non-contributory benefits for periods that are considered too long or who are deemed to have "no reasonable chance of finding employment," are increasingly being served with deportation orders (called *Ordre de quitter le territoire* in French). Between 2010 and 2014, the yearly number of EU citizens told to leave Belgium on such grounds has jumped from a couple of hundred to more than 2,000. Citizens of Romania — a new Member State — account for over 15% of all cases. By contrast, citizens coming from four large, long-term EU Member States — France, the Netherlands, Italy and Spain — jointly only account for under a quarter of all removals during the same period.

Because they are not followed by the actual physical removal of EU citizens from Belgian territory, the deportation orders given to many Central and Eastern European migrants have not triggered negative reactions against Belgian authorities (unlike France). On the other hand, the undocumented EU migrants from older Member States who were given deportation orders received significant media attention, support from trade unions and migrants' organizations as well as support from elected officials from their home countries (Lafleur and Stanek, 2017). The case of undocumented Italians, in particular, struck a

chord with public opinion. In the post-war era, the arrival of Italians has largely been depicted in Belgium as a “successful immigration” that brought people to the country who strongly contributed to its economic growth and to the expansion of the welfare state (Martiniello, 1992). Having seen earlier generations escape the stigma of poor guest workers, the new arrivals from Italy were dismayed to find themselves branded as welfare abusers.

In this section, we first, describe the process that transforms some of the new Italian migrants into undeserving migrants whose freedom of movement in the EU is taken away from them. Second, we demonstrate that the fact that Italian migrants in Belgium are all non-deportable leaves them with a stark choice to either, leave the territory, build a case of “deservingness” in order to convince the authorities to regularize them or stay without any status. Thirdly, we conclude with a discussion on the consequences of this policy on immigrant precariousness.

The data presented in this section have been collected through interviews conducted between February and June 2016. Using different entry points in the field such as immigrant organizations, trade unions and the authors’ own network within the Italian community, we spoke in total to 20 Italian citizens who had been residing continuously in Belgium for less than five years but had received a deportation order or whose residence permit was being officially reviewed. During fieldwork, we identified three types of new Italian migrants to Belgium: 1) “free movers” (first-time migrants who had exercised their right to move freely within the EU in the context of the economic crisis after 2007), 2) “second generation Italians” (people born in Belgium and who had lived there for most of their lives but with some discontinuities, as a result of which they had not secured permanent residency) and 3) “secondary migrants” (naturalized Italian citizens who were born outside of the EU who re-emigrated following the economic crisis). Overall, immigrants from these three categories came equally from Southern and Northern Italy and, in coming to Belgium, were mainly motivated by economic and family-related reasons.

All names and data that could allow the immigrant interviewees cited in this article to be identified have been transformed or removed. In the interview excerpts, the acronym written next to our interlocutor’s name (e.g. Hany, MO) describes their gender (Woman or Man) and their age (Under or Over 40 years old).

EU Mobility in times of crisis

For most of the new Italian migrants in Belgium, the reason for leaving Italy had been a precarious work position or the sudden loss of employment. All interviewees stressed the damage that the economic crisis had caused to the Italian job market. Besides high unemployment, interviewees complained of labour market segmentation that separated a lucky minority of well-protected workers with stable contracts from the other —usually younger — workers who only received precarious contracts. Similarly, the Italian welfare state was said to be unable to help citizens cope with the crisis. Unemployment benefits were difficult to obtain and inadequate: ‘*You stay poor with le chômage [unemployment benefits]! You pay your bills [...], you are left with 100, 200 euro to live, how do you do that?!*’ stated Hany (Hany, MO, field notes, 12 April 2016). Such factors made interviewees feel that

they were at risk of falling into poverty. In the case of Arturo: *'One had to take a decision [...] we were about to lose our dignity, we were going to Caritas to receive food [...] because [with a small income] either you eat or you pay the rent.'* (Arturo, MO, field notes, 30 March 2016). However, as migration scholars have long known, economic motives often combine with other factors — such as family reasons— to precipitate migration decisions and/or the specific location to where one moves. Rossella, for instance, whose Italian employer refused to give her a formal work contract in spite of the long hours she spent in the workplace, eventually left Italy to follow her partner who was going to start an internship in Brussels (Rossella, WU, field notes, 23 May 2016).

The personal narratives of family members or acquaintances who had lived in Belgium encouraged some interviewees to move there during the economic crisis. Once in Belgium, however, they had to reconsider this idealized depiction of their new country of residence as well as the very freedom of movement within the EU which they had taken for granted. Instead of finding the abundance of jobs they had hoped for, new migrants faced a similarly segmented labour market they knew from Italy, which only offered them informal employment or short contracts at best. They also faced unexpected new challenges when seeking formal recognition of their skills and when trying to orient themselves through Belgium's complex federal system, which had an administrative impact on their daily lives. Moreover, some new migrants discovered that not knowing the language of the region in which they had settled (i.e. French or Dutch) was not only a barrier to employment but also prevented them from joining training programs offered by regional employment agencies.

Unsurprisingly, newcomers who could not find a job rapidly found themselves at risk of further social exclusion. In those circumstances, undeclared work and the use of some form of social protection benefit from Social welfare agencies (called *Centre Public d'Action Sociale* in French) rapidly became their only option. The prevalence of undeclared work in Belgium came as a bitter surprise to new Italian migrants. For Arturo: *'I left Sicily and I find myself in a parallel world! Work paradise?! [Work here] is all undeclared work!'* (Arturo, MO, field notes, 30 March 2016). The hospitality industry, particularly bars and restaurants, is one economic sector where low-skilled migrants traditionally find opportunities in Belgium. It is also a sector where undeclared work and exploitation are common (Adam, Ben Mohamed, Kagne, Martiniello and Rea, 2002). Migrants find themselves “hostages” of their employers who *'[...] are selling dreams'*, as Rossella summed up (Rossella, WU, field notes, 23 May 2016), referring to the promises of regular contracts in exchange for their hard work.

Making use of their rights to social protection —such as unemployment benefits or the minimum income support— is another route taken by Italian migrants struggling to enter the Belgian labour market. This route, however, is the one that most clearly exposes them to the scrutiny of the authorities.

Becoming an undocumented EU migrant

The administrative process that leads EU migrants to become undocumented is far from explicit. All Italian immigrants who were given a deportation order by the Belgian authorities first received a letter inviting them in vague terms to come to the Municipality to clarify their residence status. The deportation order itself was then delivered at the Municipality in a

manner characterized by a high level of symbolic violence. Deportation orders are formulated in extremely technical language and the vocabulary used — referring to a person's use of social benefits as an “unreasonable burden on public finances”— insists on the gravity of the situation and the seriousness of the “offense” committed by the foreigner who failed to find a job or asked for social assistance. Also, the letter makes it explicit that immigrants “may be expelled or detained” if they do not leave Belgium voluntarily. The experience of receiving a deportation order and being described as unfit for residence in Belgium triggered strong feelings of shame among certain immigrants.

The inherently threatening and demeaning nature of the experience is reinforced when migrants arrive in the municipal office where the deportation order is handed over to them. Not knowing exactly what will happen to them there, interviewees often find out only upon arrival that the purpose of the appointment is their removal from residence registries. Indeed, several interviewees noted that municipal officers insisted on examining their identity card before proceeding to its physical destruction in front of them. This experience was described as traumatic by interviewees who faced the reiteration by municipal employees of the rhetoric of the Migration minister accusing EU migrants of welfare tourism. As Carlo recounts: *‘A woman from the Municipality told me: why did you have to come here to take money from the Belgian state, take the money from the Italian State instead!’* (Carlo, MO, field notes, 20 April 2016). Arguing that its welfare system is endangered by migration, the State tells immigrants that their presence is no longer desirable. By insisting on this idea in spite of their *de facto* non-deportability, the authorities try to strong-arm EU citizens into leaving voluntarily. In many cases, the seizing and destroying of their identity card prevents EU migrants from re-accessing social services and many other services besides. Indeed, people living in Belgium are legally required to carry an official identity card at all times. Most importantly, however, the physical destruction of identity cards is an act by which the State intends to reaffirm its control over a population — mobile EU migrants — who traditionally considered themselves as having an unquestionable right to move and settle anywhere in the EU.

Dealing with the “schizophrenic welfare State”

The policy of removing of residence permits is implemented by the authorities with an air of strict and rigorous law enforcement. However, the experience of Italian migrants also reveals the inconsistent and therefore arbitrary application of this practice and most importantly, the lack of coordination between administrations dealing with residence and welfare issues. Several interviewees felt that they were not properly informed by welfare agencies upon asking for benefits. No one warned them that applying for help could lead to the loss of residence permit. Like other interviewees, Rossella notes that there is an inherent contradiction in Belgian social policies:

‘If you offer a service [like the social integration income] to everyone because we are all European, if you allow me, then you cannot tell me six months later that you remove it and send me away!’ (Rossella, WU, field notes, 23 May 2016).

The feeling of unfairness and of “being tricked” by authorities is aggravated by the sense that third country migrants receive more favourable treatment. For Camillo, *‘Newcomers’ come here and after three months they receive a passport and a stipend!*’ (Camillo, MO, field notes, 29 March 2016) and for Paola:

‘Blacks here have everything! They receive the card from the welfare agency and they get everything paid for. There is something that is wrong with this system. They give them a house, and me I had to redo the house entirely and I pay rent. For them, they put first the house in order and then they go in.’ (Paola, WO, field notes, 24 May 2016).

In comparing their situation as undocumented EU migrants to that of documented third country nationals, interviewees revealed how EU citizenship and freedom of movement have been internalized by mobile EU citizens themselves. This is part and parcel with a sense of entitlement – of being more deserving of residence and welfare rights within the EU than third country nationals.

‘[...] Europe is one. Why do I have to be illegal? Here is my house. The Blacks, they are illegal, the Moroccans [as well], not because it is racism but because it is reality! If I’m European, how can I be illegal?!’ (Paola, WO, recorded 24 May 2016).

For many interviewees, interactions with the local administration often conveys the idea that they are dealing with a “schizophrenic welfare state”. Andrea for instance, recalled that police officers twice came to his house to tell him to leave. On both occasions, the police in fact conceded that they were forced to comply with procedures but had no intention of ever arresting and deporting him. One of the officers explained the situation as follows: *“What should I do... They tell me to come, I go... it is not my fault!”* (Andrea, MU, recorded 19 May 2016). As seen in other cases of deportation involving third country nationals, police officers in charge of implementing deportation orders at the local level appear to be reluctant to enforce these decisions as they often cause outcries in local communities.

The ambivalent attitude of the State was even clearer for those among our interviewees who continued to receive unemployment and social benefits after the issuance of a deportation order and the removal of their residence permit. Redouane, who was ordered to leave after three and a half years of residence in Belgium was informed by the unemployment office that he could still receive unemployment benefits until he reached the age of retirement in 2018: *‘The [social] rights stayed as before, also the health insurance and the unemployment benefits, but they destroyed my identity card’* (Redouane, MO, field notes, 22 April 2016). To cite another case, Rossella was granted a social integration allowance from the local welfare agency after receiving the deportation order and was informed by the social worker that only a change in her employment situation would put an end to this benefit.

Immigrants who find themselves in these situations receive contradictory orders from the State due to the lack of coordination between migration and welfare authorities. At the

same time, the sense of being treated unfairly is further reinforced by a process already identified by Lipsky (1969: 30) by which street-level bureaucrats develop conceptions of clients (in this case a conception as “welfare abusers”) ‘which deflect responsibility away from themselves’. The result of these bureaucratic contradictions however is to push EU migrants further into precariousness – not a precariousness characterized by the absence of rights but by ambivalent status and limited and unstable rights maintained or granted at the whim of the authorities, through a highly arbitrary process.

Reacting to deportation orders

The removal of residence permits prompted two very different reactions among our informants. For immigrants who have the economic and/or social capital to react, it is perceived as a mere bureaucratic annoyance that would require time and energy to fix but that would not significantly affect their plans in Belgium. Antonia, for instance, was surprised but not worried that EU citizens could be expelled. She was born in Belgium and was familiar with the country’s bureaucracy. In addition, she had the necessary financial resources to survive a period of illegality during which some of her social rights were removed (Antonia, WO, field notes, 28 April 2016). Similarly, Andrea declared that he was not particularly worried when he received the deportation order, but rather ‘*annoyed*’ (Andrea, MU, recorded 19 May 2016), adding that he did not like living in Belgium and could eventually leave.

For other Italian migrants, however, receiving a deportation order marked a significant setback, casting doubt on their migration project and, more generally, their aspirations. MacLeod (2009) and van Meeteren (2012) define the aspirations of undocumented migrants not as their migration motives before departure but as what they want to achieve during their stay in the receiving society. Aspirations are thus less rational than goals and evolve as opportunities and constraints unfold in the receiving society. For this second group of undocumented Italian migrants, receiving the deportation order opened a phase of doubt in which professional and family perspectives were reconsidered: ‘*After the deportation order, I no longer knew what my project was in Belgium, a country that had made me precarious and sanctioned me. I was thinking for a year: should I stay, should I go, what do I do?*’ (Sonia, WU, field notes, 28 April 2016). Others, like Carola, had long-term plans in Belgium and were about to apply for permanent residence as they had lived in Belgium for almost 5 years. For them, the deportation order symbolizes the collapse of personal and professional strategies. The act of receiving a deportation order therefore marks a turning point and often instils the feeling that all time and effort spent in the host country are being erased (Carola, WU, field notes, 15 April 2016).

Confronted with the situation of being undocumented, new Italian migrants face two options. On the one hand, they can comply with the state’s injunction to leave, in spite of being aware of their non-deportability. On the other hand, they can comply formally or informally with the State’s injunction to stop being a burden on the Belgian welfare system by asserting their deservingness. We identified three routes that immigrants can follow in their bid to restore their legal status and obtain a new residence permit: resistance, downward social mobility and upward social mobility.

Receiving a deportation order forces every migrant at least to consider complying with the authorities' decision and return to their home country. At first sight, such a return could be interpreted as a sign of success of the State's strategy to remove non-deportable EU migrants from its territory. Yet the migrants who leave Belgium are not necessarily those whose economic prospects in Belgium were the bleakest. Claudia, for instance, was already unsure about staying permanently in Belgium. The deportation order thus acted as a trigger that precipitated the decision to return. To facilitate the transition, she could count on the network she had managed to maintain in Italy in spite of the years spent in Belgium: *'I'm lucky because in Italy I was immediately taken care of by a friend. She gave me work, she let me teach theatre workshops in schools and to prepare shows for young people...'* (Claudia, WO, field notes 14 April 2016).

For those who — on the contrary — decided to stay in Belgium and have the necessary social and economic capital, the first reaction was often to resist by turning to a lawyer, a trade union or a non-profit organisation that helps immigrants. In several cases, immigrants were advised to undertake legal action against the the Migration Office that had issued the deportation order. Nevertheless, the legal process entails significant costs for individuals, and the outcome is uncertain. However, starting this process also grants migrants with a temporary residence status that formally allows them to stay for the duration of the legal proceedings. While the decision to challenge the deportation order is personal, several informants also pursued collective objectives: *'I fought to get back what I had worked for and also out of a sense of civic duty. For me it was important. It is not possible that things go this way, society does not protect you, they must! ...'* (Sonia, WU, field notes, 28 April 2016).

Another way to oppose the obligation to leave is to attempt to re-register with the municipality, with a different status. Some of our interviewees were indeed offered a job after receiving a deportation order and managed to regularize their administrative status. Regularization entails registering once more with a municipality and recuperating one's rights to welfare. In such a situation, collecting evidence to demonstrate deservingness (contract duration, working hours, etc.) becomes crucial for convincing authorities that one is no longer likely to apply for benefits. Others were hoping to regularize their status by getting married (or officially registering as cohabitating partners) to a Belgian citizen or an Italian citizen with a permanent resident status. In both cases, the solution to the precariousness experienced by the immigrant entails convincing the State that they deserve to stay on Belgian territory — either on the grounds of their demonstrated economic value or due to strong personal links with the country (e.g. marriage). When successful, this path can be qualified as "upward social mobility" because it turns undocumented EU migrants with precarious status into bona fide mobile EU citizens with a residence status and social rights in Belgium.

These opportunities that lead EU migrants from illegality to a stable legal status are however quite limited and, therefore, a more frequent route for those who do not want to return and are unable to find stable employment is to accept downward social mobility; that is, to accept a status so utterly precarious that it allows them to comply formally or informally with the State's request not to be a burden on the welfare state. One such avenue consists in formalizing precariousness by registering as a self-employed worker with the municipality. Indeed, authorities tend to be laxer in those cases because self-employed status comes with

a lower level of social protection. Others engage in the “gig economy” seizing a job opportunity in the digital world (e.g. language teaching online) that allows them to be in a contractual relation with a foreign employer without being noticed by the Belgian authorities. However, the simplest way to stay in Belgium while keeping off the radar of the migration and welfare authorities is to engage in undeclared work. But income from the black market is often too low or irregular, and in order to compensate for the shortfall and for the absence of social protection, migrants engaged in undeclared often have to accept lower living standards, share housing or ask relatives for financial support.

Conclusion

Since the beginning of the economic crisis, the ranking of migrants on the basis of their potential economic contribution to society has increased. In this effort, EU legislation that allows national authorities to remove the residence permits of poor migrants accused of being burdens on the welfare state has been used to limit the freedom of movement of some EU citizens. Such a policy interpretation is in line with the activation approach to social policy that has been enshrined in EU law since 2000, as it confirms the transformation of social policies from instruments of protection for groups at risk of social exclusion into instruments incentivizing individuals to participate in the labour market.

The process of curtailment of the freedom of movement of precarious EU migrants, however, takes the form of a series of administrative decisions that are perceived as contradictory and misleading by mobile EU migrants. The immigration authorities and social services often work in different directions, giving rise to what we have called “the schizophrenic welfare state”. Where immigration authorities interpret welfare use by EU migrants as a motive to exclude “unproductive migrants”, the social services often continue to fulfil their protective function by advising immigrants to apply for benefits even when this practice puts them at risk of losing their right to reside in their host country. Yet, unlike Roma migrants in France who have been physically removed from French territory on the strength of the same legislation, undocumented Italian migrants — and other citizens from EU-15 Member States who have migrant organizations, trade unions and elected officials in their home countries who are willing to defend them — are de facto non-deportable within the EU. Non-deportability, however, does not prevent those EU migrants from experiencing varying degrees of precariousness and does not ensure that they will be able to muster evidence of deservingness to convince authorities to revert their decision.

Overall, the practice of removing the residence permits of EU migrants who use certain types of welfare benefits forces an increasing number of EU migrants to accept being economically active without or with more limited forms of social protection. In other words, by transforming EU citizens into holders of precarious status, this policy ensures the persisting presence of cheap and docile workforce in destination countries. Also, it reinforces the long-term process of labour market segmentation currently at play in European economies, which was itself a trigger for the mobility of EU migrants sanctioned by this policy in the first place. As the use of social protection becomes an instrument of internal immigration control within the EU, EU migrants who cannot either rapidly find stable employment in destination countries or otherwise acquire a less precarious status by demonstrating deservingness (e.g. via marriage) are increasingly being forced to accept

downward social mobility. This is visible through their acceptance of unstable work contracts with more limited social rights (e.g self-employment), their participation in the casual economy or their participation in the black market economy. As revealed by our fieldwork, omitting to declare one's residence in the destination country and participating in the irregular labour market are also becoming strategies of adaptation of newcomers desirous to stay off the radar of the authorities as long as they cannot obtain a regular contract. This practice feeds the black economy, with attendant loss of tax income and increased risks of social exclusion for workers. The pressure to accept undeclared work also strongly contradicts the right to freedom of movement; a core principle that guided the European integration process and was meant to guarantee workers stronger chances of maximizing income while providing them with adequate levels of social protection.

Finally, forcing EU migrants to make a case for “deservingness” in order to justify their stay in another Member State has a broader effect on EU citizens’ perception of the added-value of holding European citizenship. Contrary to their initial perception that freedom of movement is largely unconstrained, undocumented EU migrants are met with “workfarist” regimes in their destination countries where migrant employment has become a civic obligation (Chauvin and Garcés, 2014). This unexpected situation places undocumented EU migrants in a position where they fear the competition of third country nationals when demonstrating deservingness. Nicholls et al. (2016) had already identified that strategies of deservingness contribute to the stratification of precarious migrants. In this article, we have gone a step further and shown that undocumented EU migrants —who have objectively more legal avenues to regularize their status— actually feel threatened by asylum seekers and third country migrants whom they perceive are more likely to be recognized as deserving immigrants. As the arrival of numerous asylum seekers across Europe in recent years entails growing competition between precarious migrants, the use of welfare for controlling EU migration is likely to feed further xenophobic sentiments towards third country nationals.

Endnotes

ⁱ By newcomers he refers to recently arrived asylum seekers.

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