

# "If you have not put on the shoes, you cannot understand": Reconsidering the role of perceived state (il)legitimacy in transnational migrant compliance

## Abstract

This study was carried out with the aim of assessing how Nigerian migrants' perceptions of the (il)legitimacy of migration control impact their compliance with migration policies, with the aim of demonstrating how a transnational approach to studying migrant decisions could offer a more comprehensive understanding of their trajectories. By focussing initially on the salience of migration rules and regulations as well as the role of legal consciousness in migrant decision-making, this study demonstrates that, contrary to previous studies (i.e., Ryo, 2013), perceptions of (il)legitimacy are not always a factor in migrant considerations pre-departure.

## Keywords:

Migration decision-making, perceived legitimacy, legal consciousness, compliance, Nigerian migration

## 1. Introduction

Olly<sup>1</sup>, the first participant in this study, left his village in Nigeria with the aim of financing his younger siblings' schooling by working abroad. In his mid-twenties, he had crossed the Sahara desert on the back of a pick-up truck, been detained and shot by rogue Libyan militants, witnessed the killing of his dearest friend, all before embarking on the treacherous journey across the Mediterranean to Italy. After almost 10 years of precarity with no fixed status, home, or employment, Olly was finally granted asylum. Reflecting on the traumatising journey he endured, and the endless struggles he has faced since arriving, he told me: "Europe isn't worth

---

<sup>1</sup> Participants' names are replaced with pseudonyms for their protection.

half, not even the tip of what we humans passed through in Libya". Yet despite his disappointment in the reality of life in Europe, and criticism of the many procedural injustices he had faced while attempting to regularise his status, when asked, Olly insisted it was important to always follow the law. In the face of countless rejected asylum applications, he never disengaged with authorities nor resorted to criminality as many of his acquaintances did. As he sat in front of asylum commissions deciding his fate, he never sought to fabricate even more chilling, traumatic stories to convince them of his worthiness.

Olly's story embodies the approach taken by every one of the Nigerian asylum seekers I interviewed in Italy. Each person I met recounted a similar, frustrating story of endlessly asylum applications, reckless and deceitful lawyers, and painfully long waiting times. They rightly felt the system was unfair and had failed them in various ways, be it in terms of financial aid, housing, or support finding employment. But they never went against the system, which begs the question: *why?* Why, when the odds were stacked against them, and the easier choice would arguably have been to disengage with the system, did these migrants continue to comply with the law?

While there is extensive scholarly work on the lived experiences of irregularised migrants (i.e., Willen, 2007; Bloch, Sigona, & Zetter, 2014; Bloch & McKay, 2016) and the everyday difficulties they face accessing healthcare, pursuing an education, or enjoying workers' rights (i.e., Woodward et al., 2014; Bjorklund, 2018; Magalhaes, 2010), considerably less attention has been paid to how migrants perceive the legitimacy of the migration policies that affect them, and if, when, and how those perceptions shape their decisions over time. Research conducted in criminology, socio-legal, and migration studies has in recent years begun to argue that perceived illegitimacy of rules and regulations (Tyler, 2006) is a key, contributing factor in the likelihood of migrants not complying with immigration control (Ryo, 2013; Leerkes, 2016; Leerkes & Kox, 2017; van Houte *et al.*, 2021; Dubow, 2023). As Ryo (2013) notes, the intentions of prospective Mexican migrants to cross the border into the United States without authorisation were decidedly stronger when they perceived the US' right to control migration as illegitimate. Elaborating on the contributing factors to said perceived illegitimacy, Ryo explains that migrants felt the American migration system was biased against them and considered it unjust that immigration law should deprive them of economic opportunities in the US. Yet I argue this literature suffers two shortcomings. First, such studies have often been carried out on the assumption that migrants inherently recognise the authority of the state and its legal system. Second, researchers apply a theory of legitimacy that is largely developed in national contexts

(i.e. between the State and its citizens) to analyses of transnational phenomena (i.e. between the State and non-citizens). As will be explored below, this approach leaves interpretations of migrant decision-making open to two potential pitfalls.

Firstly, such an approach risks placing undue emphasis on the nation-state as the primary framework of analysis. Drawing on Wimmer & Glick Schiller's (2002) critique on *methodological nationalism*, I argue that applying overly nation-state-centred theories such as legitimacy theory in the context of transnational migrant decision-making can produce an overstated, if not unjustified, assessment of the role migrants' perceptions of legitimacy and general legal consciousness play in their decision-making. It is perfectly natural to assume that a given state's *citizens* are aware of its legal system and the impact it has or could potentially have on their lives. To assume the same for non-citizens, however, is to presume rather than problematise the salience of the law; something Levine & Mellema (2001) criticise as a general issue in legal consciousness studies. Such assumptions equally fail to account for the law's possible irrelevance (at certain points) in migrant trajectories (Hertogh, 2018).

Secondly, whilst I do not argue that the law is at no point relevant, studies depicting a straightforward relationship between perceived illegitimacy and legal non-compliance in migrant decision-making have overlooked the transnational nature of the phenomena at hand. In their review of current literature on migrant legal consciousness, Güdük & Desmet (2022) highlight that the majority of studies have been carried out in the context of *host state* legal systems despite migrants often travelling between numerous legal systems in countries of origin, transit, and destination. Though the authors do not explicitly criticise this current trend in research, they do underline that the legal consciousness of migrants is often "informed by a reality of legal pluralism, where the legal system of the host state may or may not coincide with other rules that guide migrants' perceptions and actions" (*ibidem*, 2022, p.213). As was the case in Ryo's (2013) study, where potential-migrants' perceptions of *US state legitimacy* was considered as a factor in the likelihood of their future non-compliance with *US immigration regulations*, Ryo did not consider, for instance, whether the participants' relationship with the state legal system in their country of origin had contributed to their intended non-compliance. I therefore argue that, when assessing the salience of *the law* in migrant decision-making, we as researchers ought equally to ask ourselves *which* law?

In short, while studies so far point predominantly to a rather clear-cut relationship between perceived (host) state illegitimacy to execute migration control and legal

non-compliance in the trajectories of irregularised migrants. The experiences of irregularised Nigerian migrants in Italy at the heart of this study, however, prove this is not always the case and thus call for a far more critical approach when considering perceived legitimacy as a factor in decision-making.

The aim of this contribution is therefore to question both the often assumed salience of the law in migrant decision-making processes in countries of origin and transit, as well as the generalisability of past findings on the tendency of migrants not to comply with migration authorities they perceive as illegitimate. By doing so, this study underscores the need to further study migrant legal consciousness to avoid simplistic depictions of migrant non-compliance or 'disobedience', which arguably contribute to negative stereotypes in public and political discourse. Instead, it offers up evidence in favour of a more considered approach which recognises the diversity of factors in transnational migrants' decision-making and the need for policymaking that is tailored to the past experiences and humanitarian needs of migrants. To achieve this, the present study takes a more transnational, trajectories approach in responding to the main research question: **How does the perceived legitimacy of migration control impact the compliance of irregularised Nigerian migrants with migration policies throughout their trajectory from Nigeria to Italy?** Building on this central question, three subsequent questions are explored, namely: 1) To what extent and when in their trajectory does migration control become salient in the participants' decision-making?; 2) How do the perceptions of Nigerian asylum seekers of Italy's approach to migration control and its legitimacy influence their decisions to (not) comply?; and finally, 3) What role do the participants' experiences with legal systems other than that of their host state play in their decisions to comply?

Given that migrants' perceptions surrounding the legitimacy of migration control are formed within the context of their larger migration projects, understanding the reasons which lead to or force (international) migration, the obstacles migrants face, as well as the way these elements influence migrant perceptions is crucial. The following section therefore begins with an overview of the current literature on the factors contributing to migrant decision-making before outlining this study's operationalisation of legitimacy and legal consciousness theories.

## **2. Theoretical approaches to migration**

### **2.1 Decisions and motivations**

Theories on why people migrate have evolved considerably over the past century. Initially favouring a *Neoclassical Economics* approach, scholars argued that wage differentials between one place and another constituted the primary factor in decisions to migrate (Sjaastad, 1962; Todaro, 1969; Harris & Todaro, 1970; Borjas, 1990). As others have since contested, by reducing decisions to migrate to mere cost-benefit analyses, such economically determinist theories overlook the true complexity of social factors at play and presume decisions are inherently rational and voluntary (Massey *et al.*, 1994; Crawley & Hagen-Zanker, 2019; Czaika *et al.*, 2021). Structuralist scholars have equally presented economics as a predominant factor in migrant decision-making, albeit on a macro-level, arguing that the imbalance of economic opportunity and resources between *peripheral* and *core states* creates the conditions in which migrants are, to varying degrees, forced to migrate (Piore, 1979; Sassen, 1990; Castles & Miller, 1993; Wise & Covarrubias, 2007). However, as de Haas (2010, p. 241) notes, "[w]hile neo-classical and developmentalist perspectives on migration and development tend to underestimate, structuralist perspectives tend to overestimate the importance of structural constraints and thereby also largely rule out agency".

Situated in between these two extreme views of agency in migrant decision-making, more nuanced theories have emerged that consider migrant agency as a spectrum influenced both by social factors and structural constraints. Such theories have, for instance, posited that decisions to migrate are taken at a household-level as opposed to individually in an attempt to diversify family income streams and improve living standards (Stark & Bloom, 1985). They have also highlighted the role of networks in decisions to migrate, arguing that diaspora members act as a vital source of information and resources which reduce migration costs and make additional migration more likely (Myrdal, 1957; Massey, 1990; Massey *et al.*, 1993; Portes, 1995).

Research has equally shifted its focus to the role of aspirations in decisions to migrate. In his highly influential *Aspiration-Ability* model, Carling (2001) argues the aspiration to migrate, as well as the ability to do so, are crucial preconditions in any individual's decision to migrate. Subsequently, aspirations have been found to extend beyond economic betterment and rise in line with experiences of violence or insecurity, low levels of subjective well-being, ties with current or former migrants, and past experience of international migration (Kirwin & Anderson, 2018; Carling & Schewel, 2020; Aslany *et al.*, 2021).

Yet while in recent decades theoretical work on the influence of economic, social, and structural factors in migrant decision-making may have developed exponentially, considerably

less attention has been paid to the role of the state and migration management. From a neoclassical economics approach, for instance, decisions to migrate without authorisation may very well be the result of cost-benefit analyses, but to what extent do (prospective) migrants consider the potential repercussions of a lack of authorisation a cost? If, as globalisation scholars would have us believe, structural forces leave many with little choice but to migrate, where do the state migration policies and regulations forbidding migration fit into the decision-making equation? Each of the theories explored above offers important insights on factors which *motivate* or force the movement of peoples, but they consistently fail to integrate such as migration management that *impede* said movement.

## 2.2 Capabilities and barriers

As Carling's (2001) aspiration/ability model suggests, the two-step approach by which a *prospective migrant* becomes an *actual migrant* necessitates the ability to put plans into action. An array of factors, however, have the potential to restrict the ability of individuals to migrate. From financial constraints (McKenzie & Rapoport, 2007), a lack of skills (Angelucci, 2015), and language barriers (Esser, 2006) to political restraints (Bakewell, 2013) and cultural differences (Berry, 1997; Alba & Nee, 2003), the challenges migrants face are well-documented. Central to the aims of this paper, however, is the exploration of the role played by the law and migration management more generally in restricting movement. Recent events, such as Biden's asylum ban at the US-Mexico border and Melloni's plan to send irregularised migrants to Albania, illustrate how Western states are progressively tightening their migration policies and seeking ways to forgo their responsibilities under international law. Understanding the impact of such actions on migrants and the decisions they take is thus becoming ever more crucial.

One evident barrier in this regard is a lack of legal pathways to migration. Faced with what has often been considered the 'lottery of birth', many who seek to migrate in pursuit of a better life are subject to restrictive immigration policies and visa requirements purely on the basis of their nationality while others born in more affluent regions of the world are not (Shamir, 2005; Shachar, 2009; Mau, 2010; Glick Schiller & Salazar, 2013; Schapendonk & Steel, 2014; McAuliffe & Ruhs; 2017). Such restrictive approaches to immigration policy have subsequently proven to be counterproductive as those left with no legal pathway to their desired destination inevitably embark on irregular routes (Czaika & de Haas, 2013). Even when legal pathways are available, the degree to which they are accessible for those in need is often a barrier in itself with burdensome visa processes requiring proof of employment, family ties or financial resources. As Jayasuriya's (2016) study of Sri Lankan migration post-conflict shows, many of those who were

within their legal rights to seek asylum resorted instead to migrate as workers to regions such as the UAE, as such a route out required far fewer resources.

The very way in which migration is 'managed' is equally an obstacle migrants must face. As Betts (2011, p. 4) notes, states and supranational bodies such as the IOM involved in migration often pour resources into security measures (such as 'border control, travel documentation and forensics') while failing to build capacity in other areas; the author provides the saddening example of a border agent that could easily identify false documents but was unable to define a refugee. In turn, procedural inefficiency itself represents a barrier to migration. Taking Syrian refugees in Turkey as an example, Dubow (2023) underscores the difficulties migrants face as states militarise and close their borders whilst simultaneously failing to process applications for family reunification. With adult males often being the 'lead' refugees going ahead of their families in the hope of eventual reunification upon arrival, their plans are frustrated by refusals to process their applications, exceedingly long waiting times, and arbitrary quotas.

A final barrier worthy of note is the threat of detention and deportation. As Gibney (2008) notes, many states such as the UK have considerably expanded their use of deportation as a mechanism of migration control. Taking the UK as a case in point, states have equally made use of existing governance apparatus in order to effectuate deportation policies. The Hostile Environment policy introduced by previous Home Secretary Theresa May, for example, was designed to make living without documents practically impossible. Whether it be renting a flat or going to the doctor, the government introduced a system through which individuals without the legal right to reside in the UK would be reported to the Home Office which could potentially lead to their detention and deportation. Anderson (2013) argues that the *de facto* denial of services was equally a soft form of coercion designed to encourage undocumented migrants to leave. In light of such policies, scholars such as Carter (1997) and De Genova (2002) have often considered undocumented migrants in terms of their 'deportability', asserting that the mere prospect of expulsion deprives irregularised migrants of the luxury of long-term aspirations (Carter, 1997; De Genova, 2002).

Thus while the logistical impact of such barriers on the ability of (prospective) migrants to achieve their migration plans is almost self-evident, the extent to which such obstacles influence the decision-making processes of those affected is less clear. As I now go on to

elaborate, this latter point has been approached by scholars in terms of the legitimacy with which migrants perceive systems of governance dictate where they can and cannot go.

### **2.3 (Perceived) legitimacy in migration studies**

In Beetham's (1991a, p.39) review of Weber's extensive, seminal work on the legitimacy of the modern state, he concurs that legitimacy is a 'two-stage affair' wherein the legitimacy of ruling authorities is derived from rules, and that the legitimacy of said rules is based upon "a set of beliefs or accepted principles about the rightful source of authority". Going on to elaborate his own definition, Beetham argues that a given state only achieves legitimacy with the consent of its subordinates, which is conditional upon said state's conformity to the law and its perceived moral alignment with those it governs (Beetham 1991b). As Boone & Kox (2023) rightly note, recent empirical legitimacy studies have all too often taken the latter for granted.

In line with Beetham's emphasis on moral alignment, Tyler defines legitimacy and the commitment to obey as dependent upon an individual's belief that "the authority enforcing the law has the right to dictate behaviour" (2006, p.4). According to Tyler, the prerequisites to perceptions of legitimacy, and thus compliance, can be broken down most simply into ones of: *fairness*, decision-making processes should be consistent and transparent; *neutrality*, decisions taken should be free from bias and favouritism; and *trustworthiness*, those in charge of implementing the law, whether it be the institutions themselves or street-level bureaucrats, should be credible and reliable (Tyler, 1997; 2006; Tyler & Fischer, 2014). Thus, according to Tyler, when decisions, processes, and policies are perceived as having these qualities, the likelihood of an individual complying greatly increases, and *vice versa*.

In her research on the pre-departure decision-making of Mexican migrants suggests, Ryo (2013) argues that when the opposite is true, perceived illegitimacy of migration control can lead to non-compliance with migration regimes. Approaching her analysis of migrant decision-making from a neoclassical microeconomic perspective, Ryo argues that her study's participants' perceptions of the legitimacy of US migration control play a key role in their cost-benefit analysis pre-departure. Weighing up the potential punishment versus potential financial gain of migrating to the US without authorisation, Ryo argues migrants' perceptions pre-departure of the potential work opportunities in the United States coupled with the inherent unfairness in American authorities' denying them of such opportunities meant a majority of migrants intended to cross the border in spite of its 'illegality'. Likewise, in their study of the future preferences of detained migrants in the Netherlands, Leerkes & Kox (2017) argue that



perceived illegitimacy of migration control is a contributing factor in participants' intentions to disobey immigration regulations. There should be little doubt that contemporary mechanisms of migration governance often undermine their own objectives by lacking the prerequisite qualities for legitimacy put forward in Tyler's work. Indeed, Obi-Ani *et al.*'s case study (2020), for instance, highlights how street-level bureaucrats' decisions on the asylum applications of Nigerian women were negatively influenced by their perceptions of the applicants' involvement in Italy's illicit sex industry. The result, they underline, was to the detriment of the Italian deportation regime in that Nigerian undocumented women were much less inclined to engage with and trust state authorities.

It is not necessarily the objective of this study to question the findings of such studies, nor the potential benefits of applying legitimacy theory in the context of migration. Instead, the present contribution aims to problematise two more conceptual aspects of its application. Firstly, I question the unconditionality with which legitimacy theory has been applied so far in migration studies. As opposed to simply assessing for the 'preconditions' of legitimacy, I concur with previous critical studies that highlight the importance of first interrogating the mediatory effects of cultural differences in values (Jackson & Bradford, 2019; Boone & Kox, 2023). This argument is naturally linked to that alluded to in the introduction; the legitimacy theory of Weber, Beetham, and Tyler having been developed in the context of largely homogenous, national societies, it is not necessarily directly applicable in analyses of transnational phenomena such as international mobility.

Secondly, and in contrast to the previous studies, I argue against any implication that legitimacy theory holds general relevance on the basis of an assumed awareness and salience of the law, such as Ryo's (2013) 'new model of unauthorised migration'. Whilst even in this present study legitimacy theory is operationalised in order to better understand the influence of perceived legitimacy on migrant decision-making, it cannot be denied that previous studies were carried out in contexts where participants either came from established cultures of migration (Cohen, 2004; Kandel & Massey, 2002) as Ryo herself admits, or had previous exposure to their host country's legal system for a considerable period of time. Which begs the question: when can researchers justifiably assume sufficient awareness and salience of the law so as to argue it genuinely influences migrant-decision making? I argue a potential solution to this incertitude lies in determining first the legal consciousness of the migrants involved.

#### **2.4 Legal consciousness in migrant decision-making**

A second concept crucial to this study's understanding of the experiences of migrants, legal consciousness is defined by Guterman as "how people make sense of their world and determine their place as active agents" (2011, p.13). It is, as Ewick & Silbey (1998) describe, the process by which individuals develop an awareness of the law and its impact on their lives, as well as their own attitudes towards it. Factors contributing to said process for migrants are many, ranging from the manner in which a government welcomes them, interactions with (non-)state actors, immigration, labour and education laws, their experience migrating, and so on (Merry, 1990; Abrego, 2011). Just like perceptions of legitimacy, migrants' legal consciousness is not static; it is formed and transformed by their lived experiences pre-, mid-, and post-departure.

As Kox (2024) argues, legal consciousness processes can be considered twofold. First, there are those that resign themselves to the fact that any interaction with the law will result in undesirable consequences, hence they avoid the State and see achieving their own aspirations as more important than complying with the law. Secondly, there are those who turn to the State with high hopes of obtaining the right to residency and who often seek legalisation to the detriment of their own aspirations. Ryo's (2013) research in the Mexican diaspora outlines how migrants' decisions align with this first process of legal consciousness with their aspirations arguably 'overriding' the importance of complying with immigration laws. In said case, however, participants originated from Latin America where there are established cultures of irregularised migration embedded with negative perceptions regarding the legitimacy of US state migration control. This study instead offers new insights from an empirical case in the context of West African migration to Europe where cultures of irregularised, transnational migration are decidedly less established (Mazzucato *et al.*, 2018). As will be explored, Kox's 'second process' of legal consciousness is of particular use in understanding the decisions of those who comply despite struggling with what can be considered the injustice of European migration regimes. Complying often at the expense of their personal aspirations, a moral misalignment between migrants and state actors (Boone & Kox, 2023) soon becomes apparent.

### **3. Methodology**

The present study explores the impact of migrants' perceptions of (il)legitimacy on policies of migration control throughout their trajectories. Given that participants find themselves at the heart of an extremely complex, context-dependent phenomenon, the research carried out will be of an ethnographic, qualitative nature. The lived reality and experiences of undocumented, Nigerian migrants and asylum seekers in Italy are a patchwork of decisions which to me, as a

Western researcher having spent the majority of my life in the Global North, might seem counterproductive, self-jeopardising and, at times, incomprehensibly risky. Stoller (1989) defined this as 'gaze'; the impact of our personal experiences on the way in which we see and contemplate that which we analyse. Ethnographic research, I argue, in this sense, is the most appropriate strategy in order to recognise and reflect upon my gaze as a researcher on the data collected. A qualitative approach enables the participants to simultaneously share their lived experiences and raise issues I may not have been previously aware of in depth. Research was thus carried out with the aim of producing a thick description (Geertz, 2008); as Law highlights, "simple clear descriptions don't work if what [we] are describing is not itself very coherent" (2004, p.2).

### **3.1 Case selection**

Honing in on Italy, a nation limited in capacity and interest in effectuating migration control (Leerkes & van Houte, 2020), I will explore the relationship between the aspirations and perceptions of State (il)legitimacy in the decision-making processes of undocumented migrants in the Nigerian diaspora; "one of the largest populations within the EU vulnerable to return policies" (Creed et al., 2023). A contributing factor in my choosing Nigerian migrants as the population of interest in this study is undoubtedly them having previous exposure to the Italian bureaucracy of migration control, exemplified by their disproportionate representation in Italy's immigration detention centres. ActionAid Italia (Campesi, 2023) outline how in recent years Nigerians had represented 10.2% of all entries to detention centres, 31.2% of all women subject to detention, whilst between 2018 and 2021, only 23.3% of Nigerians detained by immigration authorities were deported. The remaining 76.7% were either still in detention, granted temporary right to remain, or released with an order to leave the country; the latter becoming, upon leaving detention centres, once again illegible to the state.

### **3.2 Data collection**

The interview data used in this study were collected over a three-week period between April and May 2024 in the Italian cities of Rome, Naples, and Teramo. Interviews were secured thanks to a mixture of snowballing (starting from initial contact with Olly, introduced to me by a colleague at Erasmus University Rotterdam) and my own reaching out to civil society leaders in Italy. A total of 11 interviews were carried out, comprising: six interviews with Nigerians who had migrated without authorisation to Italy; and five interviews with leaders of civil society

organisations (CSOs) and churches active in Italy's Nigerian diaspora as well as one Nigerian with extensive experience in migration detention centres and cultural mediation.

Of the migrants interviewed, the majority of participants were male (just one participant was female) between the ages of 30 and 70. All but one of the migrants interviewed had secured asylum status and had been living in Italy for anywhere between three and 10 years. Only two of said participants had begun their migration trajectory from large cities in Nigeria, while the rest came from largely rural areas. None of the migrant participants had completed studies beyond elementary level, some having not reached said level, on account of their families not having the financial means to fund their studies and the need for them to begin working at an early age. The remainder of the interviews were conducted specifically with leaders of Nigerian diaspora groups and unions, pastors, cultural mediators<sup>2</sup>, as well as the founder of a local NGO for survivors of sex trafficking who had started the initiative after being personally afflicted. CSO participants had typically lived in Italy considerably longer and more often than not travelled to Italy via legal pathways.

Interviews were carried out taking inspiration from the life history interview approach outlined by Eric Jesse (2019). Given that it was only possible to interview each participant once, the nature of life history interviews allowed me to gain a rich, chronological understanding of participants' experiences and life events in just one, albeit frequently long, session. They equally permitted me to build rapport with and allow participants the freedom to share what they felt was relevant in their history of migration. Whilst I often asked open-ended questions in order to guide the interview, my decisions not to prepare and pose an exhaustive list of prompts equally allowed time for valuable reflection on how their lives had changed throughout their trajectories and how certain key events had had a lasting effect. To the extent that my questions did not cause unnecessary stress to participants, I equally followed up on observations shared by participants asking for further elaboration, inviting them to reflect on their own possible biases and on their own uncertainties.

Given that an aim of this study was to assess the actual salience of the law in migrant decision-making, questions relating to or referencing 'the law' were kept to a minimum and only posed where necessary for clarification. Where participants had personal experience of

---

<sup>2</sup> Cultural mediators are typically co-nationals of the migrants they work with and are hired either by host states or organisations working in migration such as IOM. They are there to ensure that both the migrant and the person interviewing them fully understand each other, as well as assist asylum seekers throughout the application process.

travelling unauthorised to Europe, they were simply asked to recount their beginnings in Nigeria, what brought about their leaving their country of origin, what their journey entailed and what life had been like since arriving in Italy. Whether it was my being an outsider (i.e. not Italian / an Italian official) or more that I shared the English language as a mother-tongue with participants, it was striking that very little 'questioning' was required; participants were beyond forthcoming in their willingness to recount their journeys. Where questions were asked, it was with the sole aim of clarifying particular points as a way of member-checking. Participants who did not have such personal experience were asked to detail the role they or their organisation played in the lives of Nigerian migrants in Italy, what their perspectives on (inter)national migration governance was, and what they considered to be the main factors at play in emigration from Nigeria.

### **3.3 Data analysis and limitations**

In order to analyse the qualitative data collected, interview recordings were transcribed using *Amberscript* before being transferred to *Atlas.ti* for coding. I then analysed participants' contributions using thematic analysis through a process of abductive coding in line with the concepts outlined in this proposal's theoretical framework as well as others that arose in order to identify 'core themes' that appeared across individual interviews (Bryman, 2012).

With regards to this study's future external reliability, I consider the intended research to be decidedly linked to the cited works of Ryo (2013) and van Houte et al. (2021) in that a similar focus on perceptions will characterise the data collected. I state this, however, with two caveats. Firstly, the fact that all studies were carried out in different locales does introduce an added, contextual variable in that varying migration regimes inevitably incur differences in the lived experiences of irregularised migrants. Secondly, the current study adds a further, temporal dimension in that it considers the evolution of migrant perceptions over time. Thus, whilst to a large degree many of this study's general findings on factors contributing to the participants' decisions to migrate will resonate with the existing, rich body of literature and case studies, there is considerable divergence in what the study reveals about their perceptions in light of the differing locale and how said perceptions relate to (non-)compliance.

### **3.4 Ethics and positionality**

Given the sensitivity of the topic, and the precarious situation in which those interviewed find themselves, participants and their contributions were anonymised both for their protection and with a view to ensuring the necessary degree of trust between researcher and interviewee (Lee,

1995). The vulnerability of participants was also of paramount importance throughout the process. In light of how traumatic many of their migration experiences had been, and the subsequent racism and discrimination they faced upon arrival in Italy, it was made clear to participants that they were free to set the pace of interviews, the topics covered, and the order in which they were discussed. With several participants, it was necessary to dedicate considerable time to establish trust prior to interviews. Contact with Olly, the first identified participant, was established several months prior to data collection which allowed me to build the necessary rapport which eventually led him to introduce me to many of the other participants. I equally took the time to attend meetings and conferences organised by larger groups of CSOs and NGOs operating in Italy which led to my meeting two of the CSO leaders involved in this study. As previously mentioned, member checking featured systematically throughout the collection of this study's data and participants were offered the opportunity to read my research in order to confirm that I have accurately portrayed their situation and that I fully understood their stories correctly.

## **4. Findings**

In what follows, I begin by presenting this study's results in terms of the relevance of migration control in decision-making throughout the participants' trajectories. After establishing when and to what extent migration control acquired salience in participants' decisions, I explore the relationship between migrant perceptions of the state's legitimacy to effectuate migration control and decisions to (not) comply. Finally, I outline the extent to which participants' experiences with other legal systems prior to arriving in Italy influenced their compliance.

### **4.1 Salience of migration control**

#### **4.1.1 In Nigeria**

A first, important result of this study concerns the salience of migration control in the participants' pre-departure deliberations. Participants consistently underlined that the fact that their plans to migrate might not have been compliant with the law, let alone Italian immigration law specifically, did not feature as a consideration in their plans to leave Nigeria. While the prospect of paying no attention to the legal frameworks governing migration may seem unthinkable for many in the Global North, the findings of this study suggest several probable explanations. The first explanation for migration control's lack of salience in participants' pre-departure decision-making lies in the fact that, for many, remaining where they were simply

was not an option. In search of 'greener pastures' and the 'land of milk and honey', the majority of migrants fled complete economic destitution in Nigeria's rural regions with the aim, or even obligation, of sending back money to improve the living standards of those left behind. As one previously undocumented pastor noted:

"Every African wants a better life. And the truth of the fact is the economy in our countries is not moving. They don't create the opportunities that the young people see themselves in. They don't. The young people don't see any future based on what society has presented to them. So they have to go out and look for better means. And then there are some people that, based on the way the society is and their family structure, the pressures of the family will warrant that 1 or 2 of them will have to get out to get a better livelihood for them."

Equally, for some participants, the decision to leave was taken under false pretences. As Ruby, a female participant and survivor of sex trafficking explained, those orchestrating the illegal sex trade both in Libya and Italy exploit the vulnerability of Nigerian women, luring them to Libya under false pretences:

"I was sold for prostitution from Nigeria to Libya. I never knew I was coming here. I never knew. I've never heard of it. From Africa to Italy? No, I never heard of it before. I was deceived, [they said] "I want to take you to go and work. A good work that can benefit your children". I said okay, it's very good. So they abducted me. [...] They moved me first to Libya to live as a prostitute. I was there like... You look at my body now, marks everywhere, beating. Treating me like a slave. I was there, I didn't have a choice."

Desperate to escape her sexually abusive father, with whom she had already been forced to have two children, potential legal restrictions were understandably not a feature in Ruby's decision-making process. Sex traffickers posing as possible employers presented her with what appeared to be a legitimate way out that would equally have benefited her and her children economically, and she seized the opportunity with both hands.

A second explanation concerns perhaps a common misconception that Italy, or Europe, was initially the intended destination. After speaking with participants, it quickly became apparent that the intended destination for many of those interviewed was not Italy at all. Lured by the prospect of paid employment, the majority of participants explained that their original objective was to migrate to Libya:

"I met a friend of mine, a very good friend of mine who just came back from Libya. He started telling me, man, that he just coming from Libya and that there is going back two days from now, that Libya is very good to hustle. If you go to Libya, you won't be stressing yourself. I say that's a good idea [...] my friend paid for me and my wife to transport us to Libya, my friend really tried. When we got to Libya, he paid the money. He even looked

for a house for us, he knows me because I'm a skilled worker as a mason. [...] The guy had a big project in Libya where he was working, building mosques. So the job is about to start. That was the moment we entered Libya. We started working. I started working with the guy first."

As the narrative suggests, economic opportunities in Libya represented the primary motivation to migrate. In light of this, the potential need to navigate migration control was not a matter for concern for many of those interviewed as their initial plans did not involve migrating to Europe. When describing this study's participants' decisions to leave, it is also pertinent to note that only one migrant had spent any considerable amount of time contemplating the journey. For the remainder of the participants, as the previous quote suggests, leaving Nigeria was very much a spur-of-the-moment decision sparked by a friend or acquaintance who had proposed the idea.

Beyond economic factors, many also left in order to escape the high levels of criminality, religious wars, discrimination on the basis of their sexual orientation, as well as personal experience with corrupt authorities in Nigeria after violent family feuds. A recurring theme present in almost all accounts collected was that leaving Nigeria was a matter of survival, a choice between living and dying. It is no surprise, then, that laws governing migration and the potential risk of being apprehended were so irrelevant in their decision-making processes.

#### 4.1.2 In Libya

The experiences migrants described of their time travelling to and living in Libya were consistently and unwaveringly marked by extreme levels of violence, insecurity, and helplessness. As opposed to contemplating the possible legal repercussions of migrating to Libya without documents, as one participant explained, the migrants interviewed were often more understandably concerned with the risks posed by clandestine groups collecting a form of toll along the route from Nigeria to Libya:

"...you have to meet some certain people that you have to pay so that you can pass through that place. And if you [don't pay], there is no question, they kill you direct."

Olly, who was one of the only migrants interviewed who left Nigeria with the aim of reaching Europe, described in detail the traumatic experience that was travelling through the desert. Passing through the Sahara on a truck, he reflected on the finality of his decision to leave and the moment that he became conscious of the dangerous journey he had embarked on:

"on our way through the desert, we find a lot of corpses, skulls of humans who were there with these clothes, shoes along the road. Sometimes you see people, they cover people with sand. And at that moment you know that, okay, this is not actually something any



normal human being with a sense of reasoning should embark on because it is absolutely crazy for you to see graves and decide to say, okay, I'm going through it in the name of going to Europe"

Despite his longing to turn back, he explained that the group's entire focus was on moving forward and avoiding any damage to the vehicle for fear of being stranded. His account of the journey demonstrates, however, both the desperation with which migrants leave Nigeria as well as the lack of information available to them on what migrating truly entails. It is also an example of how, in such perilous circumstances, migrants are quite naturally not considering the legality of their movements when their life is very much on the line. In this light, those interviewed fled deprivation in Nigeria only to find themselves in immediate, life-threatening danger with their sole priority being to reach safety.

Lawlessness became a recurring theme in the accounts of participants who had spent time in Libya, where the complete lack of legal protection left them vulnerable to exploitation at the hands of rogue militia. Often sold as slaves to local tradesmen, sometimes unknowingly at first, they would be captured by militia groups at gunpoint and imprisoned in camps before being auctioned off to the highest bidder.

James, for example, a Nigerian migrant who had fled a family feud and corrupt law enforcement, was separated from his pregnant wife. He was later sold to a Libyan gold miner for whom he was forced to work for eight months in the desert. When their work was over, James received a small amount of gold and was taken to the nearest city where he was able to track down his wife, find a home, and begin working. The amount of money he had spent on furnishing their new house, however, made them a target for local bandits and so they fled to another city to avoid being captured for a second time. Despite opportunities for work in Libya being plentiful, James decided it was too dangerous for him and his family to remain in the country and attempted to obtain ECOWAS passports in order to return to Nigeria. These were, however, beyond their budget and so James continued working in order to raise the funds. After months of no payment, his employer arrived at their accommodation one night and confessed that while he did not have the money to pay his wages, he could offer him and his family free passage to Italy. After living in almost constant fear for four years in Libya, James' decision to travel to Italy was taken in the interest of his family's security and the need to escape the desperate, lawless circumstances.

Other participants recounted having had even more violent experiences in Libya. Those who arrived in Libya with the intention of continuing to Europe were imprisoned in camps by

so-called 'connection men', sometimes for months, where they would await until it was their turn to board a boat. These camps, however, were not mere places in which to await passage. Stranded with no means of returning to Nigeria and their fate in the hands of those organising the boats to Europe, armed criminals regularly kidnapped migrants and demanded ransom payments from their families in Nigeria:

"So people work with people to kidnap people, to take you to prison. They will ask your parents for the money, whether you have a guardian, a sponsor to send money for your bill. And in Libya, you are... it is scary because guns are very, very common. So anyone can just take anyone's life [...] Some groups of people in Libya reached our camp and they came with different forms of guns and a friend of mine was killed, a boy, we were sleeping together because he was around the scene [...] People were running inside the sea, because you know, when you've been taken, you don't know where they are even taking you to, and you don't know if you will survive alive from there. Because even sometimes when they arrest people, sometimes they don't make it back alive. And some that make it back alive will never be normal again."

The experiences of participants show that, in a complete power vacuum, the absence of the law gave way to exploitation and abuse. Faced with the uncertainty of not knowing when they would be able to move on, or to where, participants' decision-making at the time was dominated by the need to survive. Participants who had left Nigeria with the intention of working in Libya quickly became aware of the country's instability and lawlessness. Unable to return to Nigeria, Europe then became their opportunity to escape. For the few that had left Nigeria with the intention of reaching Europe, their accounts of time spent in Libya suggest it would be wrong to consider them as having freely *chosen* to migrate onwards to Italy. While that may have been their initial plan, they rapidly regretted their decision to leave upon realising the level of insecurity in Libya. Entrapped in camps where they were regularly threatened at gunpoint and extorted for money with no law to turn to, their only option was to await the day they would be able to board a boat to Europe. Understandably, rules and regulations concerning migration control were entirely irrelevant in an environment completely lacking legal authority.

#### 4.1.3 In Italy

However, if salience of migration control is lacking in the pre-departure and in-transit decision-making of Nigerian migrants, it rapidly becomes a matter for concern upon their arrival in Italy. Having originated and passed through countries in which their movement was not actively regulated by state authorities, migrants arrived in Italy to a starkly different legal environment in which migrant control gains immediate salience. Rescued at sea, participants spoke of the relief they felt as they were brought to land by the Italian coastguard and received

food and medical attention from local CSOs. This relief was, however, rather short lived as they soon learnt of the legal requirements that stood between them and living freely in their new host state. After being registered, participants were transported to what they refer to as 'camps' at various locations in Italy. Here they would be in the care of third-party agencies hired by the Italian government to provide housing, distribute financial assistance destined for new migrants, and coordinate basic Italian language classes. Beginning life in Italy in these camps, often in remote locations far from the view of the general population, participants began the process of applying for asylum.

Said process, for many, would go on to last as long as 10 years. First invited to a preliminary interview, participants worked with cultural mediators to prepare a statement regarding their reasons for migrating to Italy and the circumstances they believed entitled them to refugee status. After preparing their statement, the migrants would wait as much as six or seven months before they were invited to discuss their case with the commission who would eventually grant or deny their application. In the meantime, migrants were granted temporary visas. While these visas technically permitted them to work, finding an employer willing to hire them for short periods of time proved to be difficult. This subsequently had an effect on their ability to open bank accounts, rent accommodation, and, in more extreme cases, buy enough food to sustain themselves. Regulations governing migration accordingly took on tremendous importance in the lives of participants as the relationship between legal status and the ability to live out their lives freely became apparent.

All but just a handful of the participants were rejected multiple times after appearing before the commission. This in turn caused problems, for instance, for those who had been lucky enough to find employment. Without a valid visa, employers refused to extend their contracts and so many migrants lived in a vicious cycle of applying for asylum, being rejected, potentially becoming unemployed and losing the accommodation they had worked so hard to secure, before eventually submitting an appeal and received another temporary visa which would allow them to temporarily carry on with their lives. In this sense, migration control became an unavoidable part of their lives which dictate their every move.

#### **4.2 Perceived legitimacy and compliance**

As outlined in the findings above, rules and regulations governing migration did not become salient in the trajectories of those interviewed until their arrival in Italy. As such, the following

analysis of the influence of migrant perceptions on the legitimacy of migration control on their decisions to (not) comply focusses on the lattermost stage of their trajectories.

One striking result in this regard is the importance all migrants interviewed placed on the law. No matter how many times their application for asylum was denied, as previously mentioned the process of becoming legalised sometimes lasted as long as 10 years, they maintained that the only way to build a worthwhile life in Italy was by following the process. If you are patient, it pays off, they argued. Accordingly, participants recounted similar stories of having been rejected by the commission, getting in touch with lawyers made known to them, and appealing the decision as many times as necessary until receiving a positive result.

It is significant to note that their decisions to comply were often taken in spite of their perceiving migration control as illegitimate. Additionally, said perceptions were not a result of outright beliefs that Italy as a state had no right to control its borders. In the eyes of migrants, migration control instead lost legitimacy where application processes were perceived as being insensitive to their traumatic experiences in Libya and the responsibilities they still had in Nigeria. When discussing why they thought that had previously been rejected when applying for asylum, many referenced their state of mind at the time of applying. The trauma they were going through coupled with the fact that none of them had ever experienced proceedings such as the hearings at the migration commission meant that sitting in front of four, white officials was an extremely uncomfortable environment where they did not feel sufficiently at ease so as to fully explain their story. With time this is something they overcame and, by continuing to engage with legal authorities and appeals courts, all participants eventually obtained refugee status. Access to this system of appeal, however, does serve as a further example of perceived illegitimacy not leading to non-compliance. As Olly described, lodging an appeal required the assistance of a lawyer and, as a homeless, unemployed migrant the lawyer's fees, some €500, were extremely difficult to collect. Yet instead of deciding to disengage with migration control and earn a living by criminal means, Olly begged for weeks on end until he had finally collected the necessary amount and proceeded with his appeal. Speaking with a Nigerian cultural mediator, it became clear that this kind of determination was not uncommon as he explained the lengths many migrants go to in an attempt to regularise their status:

"So sometimes they find it difficult to grant them asylum and there is no means of getting documents without asylum, other means might be difficult. And if you have to follow other means to get documents, that means you have to declare false [asylum claims] or try to forge contracts and pay tax to the government to be regular. Many people are doing

it just to be regular. They pay tax to the government and they are aware though they might pretend that they don't know. [...] Even some of them go to the street and beg for money to pay tax to the government so that they can have a permit to stay. But the government don't put those things into consideration..."

From an academic perspective, we might ourselves question the legitimacy of migration control, however from the point of view of Olly and other participants interviewed, it was paramount that every step they took was within the law and they were aware of the fact that any criminal charges registered in their name would drastically lower their chances of ever winning further appeals. Thus despite not necessarily condoning the methods of migration control, they consistently chose to comply and demonstrate positive behaviour as they considered it the only way of eventually achieving their long-term goals in Italy.

Despite the migrants interviewed for this study having continuously complied with migration control, there were some examples shared by leaders of CSOs of migrant non-compliance. As the president of one Nigerian association explained, migrant non-compliance was often the result of two external factors. The first being a lack of funds in order to comply with deportation orders, migrants are often stranded in Italy with no capacity to sustain themselves on a daily basis let alone finance their transport home. The second factor concerns the discordance between migration governance and the criminal justice system, as opposed to proactive decisions not to comply based on perceived illegitimacy. Approached by members of IOM and offered funding for an assisted voluntary return (AVR) project, his association was to identify undocumented migrants who would be willing to return to Nigeria. Their return flights would be covered, and they would receive seed funding to start a business upon arrival. According to the participant, many undocumented Nigerians were open to the idea of returning after realising that it would be almost impossible for them to achieve their life goals in Italy, but would have otherwise lacked the personal finances to do so. Paradoxically, and despite their willingness to engage with the scheme, the participant explained how it became impossible for him to obtain the necessary documents for certain migrants as they faced criminal charges for residing in Italy illegally:

"These two fellows were caught without a state permit. And they were given a notice to leave. Okay, good. You've given me a notice to leave. Give me the money to leave. Ah, no provision for them. And you can imagine, a migrant who finds it difficult to have, I don't say three square meals, let me say one square meal. You are asking him to pay his transportation back? Where on earth can that happen? So, these two subjects, after having the deportation notice, were caught again. And because they were caught for the second time, that became a penalty, a case. Yeah. But in as much as it is a penalty, they are still roaming about freely. Yeah. And when I got to the Questura, they said no, these

people have a current, criminal case. What is a criminal case? They refused to leave Italian territory. Okay, good. But now they want to leave. Now they have the possibility to leave. The Questura will tell you: "I'm sorry, but they cannot go"."

In discussions with cultural mediators with experience in detention centres, they expressed how detained Nigerian migrants often perceived the deportation proceedings facing them as illegitimate. This in turn had an influence on their behaviour in detention. It was not uncommon for migrants who had lived in Italy for many years to receive a surprise visit from the police, often after having worked all day. They would be arrested without prior warning, denied the right to collect their belongings or fresh clothes, then escorted to migration detention centres. Within detention centres, they described how decisions on who would be deported and when were frequently not communicated to the migrants concerned. Officials would simply arrive unannounced and inform migrants on the spot that they were immediately being returned to Nigeria. As one mediator detailed, this frequently led to quite severe levels of resistance:

"nobody wants to return back to their country. And even if I thought they wanted to return, not in that manner. And there's some of them always scared, even some of them, if they are aware they are the ones to be deported, even prefer to commit suicide because they know what is waiting for them back home. So many of them cry. They hit their head on the floor, and at the time of deportation where the ones to deport there are always police, many police, at least 2 or 3 police to hold one migrant. They just try to handcuff the person, take the person to the bus and to the airport, they never happy about that, that is one of the brutal incidents in my experience in that moment. Because you see, everyone is crying as if there is a natural disaster in the society."

Thus, when proceedings were perceived as being carried out in an unfair way with a lack of transparency or common decency for the individuals involved, migrants often found themselves with no recourse other than self-harm by which to convey their frustration and opposition. Unfair procedures were equally compounded by the fact that staff in the detention centres, or deportation camps as they were more commonly referred to by participants, were often very underqualified for the positions they held and treated detainees with contempt. A lack of compassion and understanding on the part of officials with regards to exact being returned to Nigeria meant for the migrants was also a contributing factor to their perceiving procedures as illegitimate.

### **4.3 Legal consciousness**

Something which equally came to light through the research stage of this study was the fact that participants' experiences with the legal system in Nigeria equally had an impact on their decisions to comply. Given that the majority of participants' had spent the largest part of their

lives in rural regions of Nigeria, as well as the instability of the Nigerian state itself, meant that participants were not predisposed to recognise the state as a force for potential good. For many, the concept of a state intervening in their everyday lives was not something they were at all familiar with. In fact, any interaction with Nigerian law enforcement mentioned in interviews was decidedly negative. One participant who had fled Nigeria because of a family feud, for instance, relayed how when his father-in-law had decided he no longer wished for his daughter to be married to him, he paid corrupt police officers to arrest him on false charges and imprison him for six months. As Ruby explained, Nigerians generally lack confidence in Nigerian law enforcement:

"Nigeria, the country is so messed up. Not because of food or because I'm hungry, no. You know, the system there is not working. You don't have your own personal say. You don't have your own personal decision. You understand? There's no law that is working there. It's not like here because nobody can trust you there. The police system are working here. But in Africa, no. When you have money, you can go, do anything you like because you have the money. You don't have any rights to... When you don't have money, when you don't have connections in Africa, you don't have anything to do. You're just oppressed."

Once in Italy and faced with a comparatively much more proactive state with far larger capacity, this unfamiliarity and distrust in 'the state' translated into a degree of hesitance to engage with migration control. It then became the role of the cultural mediators to explain to migrants that only through interacting with migration authorities would they obtain the outcomes they desired from their migration:

"Most of them are even scared. They've never been to a city in Nigeria, let alone coming to see like a group of [white officials], you know what I mean? Sitting down, they are scared as if they want to take them back. So when they come, I speak my dialect to them like 'these people are not police people', I need 30 minutes to calm them down. You want water to drink? In my dialect, I say, 'listen, these people are not policemen. They're not police people. They are here to help you. Listen to your story and know how they can help you and know the document is suitable for you'. You have to educate them first of all the importance."

At the same time, there were equally those who, having heard about Italy at some point in their trajectory, had certain expectations of the Italian state and the protection it might offer them. After fleeing Nigeria and experiencing extreme levels of violence in Libya, arriving to an Italy that welcomed them with food, respite, and a much higher degree of safety often gave migrants the impression that life in Europe would continue to be as rewarding. As one participant explained:

"when they come here, they are expecting a better life, you understand? They are expecting to be protected. But unfortunately, what I've discovered over the period of time I'm here, I discovered that the Italians as well, they create a structure whereby they themselves have to benefit. For example, once anybody has come through the river, there is no need to delay in all the immigration processes. Why all the delay? You know, he came through the river. He's there. Stop asking all those questions here. Why did you leave your country? It doesn't matter. I was in the ocean. Now I've landed. And when you look at Italy and you look at my nation, can you compare the two? This is like light and darkness. You cannot compare the two."

As the quotation suggests, arriving with high expectations only to discover that the complexities of migration control would either temporarily or indefinitely prevent them from achieving their aspirations was a source of great disillusionment which, as the participant went on to explain, had been one of the biggest causes of migrant non-compliance. Coupled with the fact that there is a relatively widespread belief that the 'migration industry' in Italy, i.e. the array of lawyers working in migration as well as the associations which care for newly arrived asylum seekers, intentionally delayed application processes and withheld financial assistance intended for the migrants in order to extract money from them and the government, many migrants transitioned throughout their time in Italy from perceiving migration authorities as somewhat of a saviour to something far more maleficent.

## **5. Discussion and conclusion**

This study was carried out with the aim of assessing how Nigerian migrants' perceptions of the (il)legitimacy of migration control impact their compliance with migration policies, with the aim of demonstrating how a transnational approach to studying migrant decisions could offer a more comprehensive understanding of their trajectories. By focussing initially on the salience of migration rules and regulations as well as the role of legal consciousness in migrant decision-making, this study demonstrates that, contrary to previous studies (i.e., Ryo, 2013), perceptions of (il)legitimacy are not always a factor in migrant considerations pre-departure. In this regard, one finding of particular interest was the fact that, for many, Italy was never the intended destination.

With decisions to migrate from Nigeria based largely on social and economic factors in circumstances of survival, which only became more prevalent throughout participants' time in transit, factors regarding the legality of migration only gained prevalence upon their arrival in Italy. Whereas previous studies have also suggested a causal relationship between perceived illegitimacy and migrant non-compliance, the present study's findings equally evidence the fact



that this is not a generalisable fact. On the contrary, echoing Kox's (2023) description of the 'second process' of legal consciousness, many participants were shown to have continued to comply with migration often to the detriment of their own aspirations in the belief that solely through legal means would they achieve their migration goals. A final finding concerns the role of participants' experiences with legal systems other than that of their host state and their potential impact on decisions to comply. As outlined in the final section of my findings, attitudes Nigerian migrants had previously forged with regards to the Nigerian state significantly reduced their propensity to engage and comply with migration authorities in Italy; only with time and proactive sensitisation on the part of cultural mediators did some participants come around to the idea of engaging with migration control.

While this study offers up considerable insights into the role of perceived legitimacy in migrant decision-making processes, it is said processes are extremely complex and highly context dependent. Given the study was carried out over just three weeks in just one country, additional research at each point of Nigerian migrant trajectories along their way to Italy would equally provide a clearer understanding of their deliberations at each stage.

The findings of this study do, however, have several implications for future research in migrant decision-making as well as legitimacy studies in migration. One initial implication would be the need to fully interrogate the initial plans of migrants before assessing the impact of (potential) perceptions of legitimacy on their decision-making processes. In the case of migration from West-Africa to Europe, for example, future studies should consider the fact that plans to migrate often begin within an intra-African context. In this sense, I suggest future studies on the role of legitimacy in migrant decision-making should also be carried out longitudinally in order to fully understand the evolution of migrant legal consciousness and perceptions regarding the law as opposed to studying them in static contexts or assuming an innate salience of migration law.

In short, this study provides key insights into the decision-making processes of Nigerian migrants in Italy, providing an alternative take on the significance of migration control throughout their trajectories. From a societal perspective, the findings outlined above should serve to demonstrate the true complexity of their decisions, as well as the humanity such migrants deserve to see in migration control after the horrific experiences they face. Finally, the findings should also make clear from a policy perspective what others before me have repeatedly argued: the more restrictive migration policies become, the less effective they are.

## References

- Abrego, L. J. (2011). Legal consciousness of undocumented Latinos: Fear and stigma as barriers to claims-making for first-and 1.5-generation immigrants. *Law & society review*, 45(2), 337-370.
- Alba, R. D., & Nee, V. (2003). *Remaking the American mainstream: Assimilation and contemporary immigration*. Harvard University Press.
- Anderson, B. (2013). *Us and them?: The dangerous politics of immigration control*. OUP Oxford.
- Angelucci, M. (2015). Migration and financial constraints: Evidence from Mexico. *Review of Economics and Statistics*, 97(1), 224-228.
- Aslany, M., Carling, J., Mjelva, M. B., & Sommerfelt, T. (2021). Systematic review of determinants of migration aspirations. *Changes*, 1(18), 3911-3927.
- Bakewell, O. (2013). 'Keeping them in their place': The ambivalent relationship between development and migration in Africa. In *Globalisation and Migration* (pp. 112-129). Routledge.
- Berry, J. W. (1997). Immigration, acculturation, and adaptation. *Applied psychology*, 46(1), 5-34.
- Beetham, D. (1991a). Max Weber and the legitimacy of the modern state. *Analyse & Kritik*, 13(1), 34-45.
- Beetham, D. (1991b). *The legitimation of power*. Red Globe Press London.
- Betts, A. (2011). *Global migration governance*. Oxford University Press.
- Bjorklund Jr, P. (2018). Undocumented students in higher education: A review of the literature, 2001 to 2016. *Review of Educational Research*, 88(5), 631-670.
- Block, A., Sigona, N., & Zetter, R. (2014). *Sans papiers: The social and economic lives of young undocumented migrants*. Pluto Press.
- Bloch, A., & McKay, S. (2016). *Living on the margins: Undocumented migrants in a global city*. Policy Press.
- Boone, M., & Kox, M. (2023). Reconceptualizing empirical legitimacy for situations of severely conflicting social interests. *Utrecht Law Review*, 19(2).
- Borjas, G. J. (1990). *Friends or strangers: The impact of immigrants on the US economy*. Basic Books.
- Bryman, A. (2016). *Social research methods*. Oxford university press.
- Campesi, G. (2023). *Trattenuti: Una radiografia del sistema detentivo per stranieri*. ActionAid Italia.

- Carter, D. M. (1997). *States of grace: Senegalese in Italy and the new European immigration*. U of Minnesota Press.
- Carling, J. (2001). *Aspiration and ability in international migration: Cape Verdean experiences of mobility and immobility* (Master's thesis).
- Carling, J., & Schewel, K. (2020). Revisiting aspiration and ability in international migration. In *Aspiration, Desire and the Drivers of Migration* (pp. 37-55). Routledge.
- Castles, S. and Miller, M.J. 1993: *The age of migration: international population movements in the modern world*. London: Macmillan.
- Cohen, J. H. (2004). *The culture of migration in southern Mexico*. University of Texas Press.
- Crawley, H., & Hagen-Zanker, J. (2019). Deciding where to go: Policies, people and perceptions shaping destination preferences. *International Migration*, 57(1), 20-35.
- Creed, X., Kaşlı, Z., & Jaysundara-Smits, S. (2023). Safe for Whom? A Human Security Perspective on Nigeria as a 'Safe Country of Origin'. *Journal of Refugee Studies*, 36(3), 359-382.
- Czaika, M., & De Haas, H. (2013). The effectiveness of immigration policies. *Population and development review*, 39(3), 487-508.
- Czaika, M., Bijak, J., & Prike, T. (2021). Migration decision-making and its key dimensions. *The annals of the American academy of political and social science*, 697(1), 15-31.
- De Genova, N. (2002). Migrant "illegality" and deportability in everyday life. *Annual review of anthropology*, 31(1), 419-447.
- Dubow, T. R. M. (2023). *Essays on the decision- making processes of irregularised migrants over the course of their migration trajectories*. Maastricht University.
- Esser, H. (2006). *Migration, language and integration*. Berlin: WZB.
- Ewick, P., & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. University of Chicago Press.
- Faist, T. (2000). *The volume and dynamics of international migration and transnational social spaces*. Oxford University Press.
- Geertz, C. (2008). Thick description: Toward an interpretive theory of culture. In *The cultural geography reader* (pp. 41-51). Routledge.
- Gibney, M. J. (2008). Asylum and the Expansion of Deportation in the United Kingdom. *Government and opposition*, 43(2), 146-167.
- Glick Schiller, N., & Salazar, N. B. (2013). Regimes of mobility across the globe. *Journal of ethnic and migration studies*, 39(2), 183-200.
- Güdük, A., & Desmet, E. (2022). Legal consciousness and migration: towards a research agenda. *International Journal of Law in Context*, 18(2), 213-228.

- Guterman, G. (2011). *Without papers: Legal identity, legal consciousness, and performance*. City University of New York.
- Harris, J. R., & Todaro, M. P. (1970). Migration, unemployment and development: a two-sector analysis. *The American economic review*, 60(1), 126-142.
- Hertogh, M. (2018). *Nobody's law: Legal consciousness and legal alienation in everyday life*. London: Palgrave Macmillan.
- de Haas, H. (2010). Migration and development: A theoretical perspective. *International migration review*, 44(1), 227-264.
- van Houte, M., Leerkes, A., Slipper, A., & Breuls, L. (2021). Globalised citizenship and the perceived legitimacy of immigration control: narratives and acts of resistance in immigration detention. *Migration Studies*, 9(3), 1269-1291.
- Jackson, J., & Bradford, B. (2019). Blurring the distinction between empirical and normative legitimacy? A methodological commentary on 'police legitimacy and citizen cooperation in China'. *Asian Journal of criminology*, 14, 265-289.
- Jayasuriya, D. (2016). *Labour migration as an alternative for asylum seekers facing protection issues: A Sri Lanka-based longitudinal study*. Department of Immigration and Border Protection.
- Jessee, E. (2019). The life history interview.
- Kandel, W., & Massey, D. S. (2002). The culture of Mexican migration: A theoretical and empirical analysis. *Social forces*, 80(3), 981-1004.
- Kox, M. (2024). *Unravelling unauthorized migrants' legal consciousness processes (Dutch Summary)*. Erasmus University Rotterdam.
- Law, J. (2004). *After method: Mess in social science research*. Psychology Press.
- Leerkes, A. (2016). Managing migration through legitimacy? Alternatives to the criminalisation of unauthorised migration. In Carrera S. & Guild E. (Eds.), *Irregular Migration, Trafficking and Smuggling of Human Beings Policy Dilemmas in the EU* (pp. 24-32). Centre for European Policy Studies.
- Leerkes, A., & Kox, M. (2017). Pressured into a preference to leave? A study on the "specific" deterrent effects and perceived legitimacy of immigration detention. *Law & Society Review*, 51(4), 895-929.
- Leerkes, A., & Van Houte, M. (2020). Beyond the deportation regime: differential state interests and capacities in dealing with (non-) deportability in Europe. *Citizenship Studies*, 24(3), 319-338.
- Levine, K., & Mellema, V. (2001). Strategizing the street: How law matters in the lives of women in the street-level drug economy. *Law & Social Inquiry*, 26(1), 169-207.
- Magalhaes, L., Carrasco, C., & Gastaldo, D. (2010). Undocumented migrants in Canada: a scope literature review on health, access to services, and working conditions. *Journal of immigrant and minority health*, 12, 132-151.

- Massey, D. (1990). Social structure, household strategies, and the cumulative causation of migration. *Population Index* 56, 3-26.
- Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J. E. (1993). Theories of international migration: A review and appraisal. *Population and development review*, 431-466.
- Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J. E. (1994). An evaluation of international migration theory: The North American case. *Population and development Review*, 699-751.
- Mau, S. (2010). Mobility citizenship, inequality, and the liberal state: The case of visa policies. *International Political Sociology*, 4(4), 339-361.
- Mazzucato, V., Schans, D., Caarls, K., & Beauchemin, C. (2018). Migrant Families Between Africa and Europe: Comparing Ghanaian, Congolese and Senegalese Migration Flows. *Migration between Africa and Europe*, 149-185.
- McAuliffe, M., & Ruhs, M. (2017). World migration report 2018. *Geneva: International Organization for Migration*, 1-32.
- McKenzie, D., & Rapoport, H. (2007). Network effects and the dynamics of migration and inequality: Theory and evidence from Mexico. *Journal of Development Economics*, 84(1), 1-24.
- Merry, S. E. (1990). *Getting justice and getting even: Legal consciousness among working-class Americans*. University of Chicago Press.
- van Mol, C., Snel, E., Hemmerechts, K., & Timmerman, C. (2018). Migration aspirations and migration cultures: A case study of Ukrainian migration towards the European Union. *Population, space and place*, 24(5), e2131.
- Myrdal, G. (1957). *Rich Lands and Poor*. Harper and Row.
- Obi-Ani, P., Anthonia Obi-Ani, N., & Isiani, M. C. (2020). A historical perspective of Nigerian immigrants in Europe. *Cogent Arts & Humanities*, 7(1), 1846262.
- Piore, M. J. (1979). *Birds of Passage: Migrant Labor and Industrial Societies*. Cambridge University Press.
- Portes, A. (Ed.). (1995). *The economic sociology of immigration: Essays on networks, ethnicity, and entrepreneurship*. Russell Sage Foundation.
- Ryo, E. (2013). Deciding to cross: norms and economics of unauthorized migration. *American Sociological Review*, 78(4), 574-603.
- Sassen, S. (1990). *The mobility of labor and capital: A study in international investment and labor flow*. Cambridge University Press.
- Shachar, A. (2009). *The birthright lottery: Citizenship and global inequality*. Harvard University Press.
- Shamir, R. (2005). Without borders? Notes on globalization as a mobility regime. *Sociological theory*, 23(2), 197-217.

- Schapendonk, J., & Steel, G. (2014). Following migrant trajectories: The im/mobility of Sub-Saharan Africans en route to the European Union. *Annals of the Association of American Geographers*, 104(2), 262-270.
- Sjaastad, L. A. (1962). The costs and returns of human migration. *Journal of political Economy*, 70(5, Part 2), 80-93.
- Stark, O., & Bloom, D. E. (1985). The new economics of labor migration. *The American Economic Review*, 75(2), 173-178.
- Stoller, P., (1989). *The Taste of Ethnographic Things. The Senses in Anthropology*. Philadelphia: University of Pennsylvania Press.
- Todaro, M. P. (1969). A model of labor migration and urban unemployment in less developed countries. *The American economic review*, 59(1), 138-148.
- Tyler, T. R. (1997). Procedural fairness and compliance with the law. *Revue Suisse D'Economie Politique et de Statistique*, 133, 219-240.
- Tyler, T. R. (2006). *Why people obey the law*. Princeton university press.
- Tyler, T. R., & Fischer, C. (2014). Legitimacy and procedural justice: A new element of police leadership. In *Police Executive Research Forum* (Vol. 35).
- Wise, R. D., & Covarrubias, H. M. (2009). Understanding the relationship between migration and development: Toward a new theoretical approach. *Social Analysis*, 53(3), 85-105.
- Willen, S. S. (2007). Toward a critical phenomenology of “illegality”: state power, criminalization, and abjectivity among undocumented migrant workers in Tel Aviv, Israel. *International migration*, 45(3), 8-38.
- Wimmer, A., & Glick Schiller, N. (2002). Methodological nationalism and beyond: nation–state building, migration and the social sciences. *Global networks*, 2(4), 301-334.
- Woodward, A., Howard, N., & Wolffers, I. (2014). Health and access to care for undocumented migrants living in the European Union: a scoping review. *Health policy and planning*, 29(7), 818-830.

## CHECKLIST ETHICAL AND PRIVACY ASPECTS OF RESEARCH

### INSTRUCTION

This checklist should be completed for every research study that is conducted at the Department of Public Administration and Sociology (DPAS). This checklist should be completed *before* commencing with data collection or approaching participants. Students can complete this checklist with help of their supervisor.

This checklist is a mandatory part of the empirical master's thesis and has to be uploaded along with the research proposal.

The guideline for ethical aspects of research of the Dutch Sociological Association (NSV) can be found on their website ([http://www.nsv-sociologie.nl/?page\\_id=17](http://www.nsv-sociologie.nl/?page_id=17)). If you have doubts about ethical or privacy aspects of your research study, discuss and resolve the matter with your EUR supervisor. If needed and if advised to do so by your supervisor, you can also consult Dr. Bonnie French, coordinator of the Sociology Master's Thesis program.

### PART I: GENERAL INFORMATION

Project title: Then vs. Now: Assessing the salience and perceived (il)legitimacy of immigration control in the trajectories of undocumented migrants over time

Name, email of student: **Leonard Thomas Daly, 701243ld@student.eur.nl**

Name, email of supervisor: **Dr. Laura Cleton, cleton@essb.eur.nl**

Start date and duration: **April – July 2024**

Is the research study conducted within DPAS

YES

If 'NO': at or for what institute or organization will the study be conducted?  
(e.g. internship organization)

## **PART II: HUMAN SUBJECTS**

1. Does your research involve human participants. YES

*If 'NO': skip to part V.*

If 'YES': does the study involve medical or physical research? NO  
Research that falls under the Medical Research Involving Human Subjects Act ([WMO](#)) must first be submitted to [an accredited medical research ethics committee](#) or the Central Committee on Research Involving Human Subjects ([CCMO](#)).

2. Does your research involve field observations without manipulations that will not involve identification of participants. NO

*If 'YES': skip to part IV.*

3. Research involving completely anonymous data files (secondary data that has been anonymized by someone else). NO

*If 'YES': skip to part IV.*



### PART III: PARTICIPANTS

1. Will information about the nature of the study and about what participants can expect during the study be withheld from them? NO
2. Will any of the participants not be asked for verbal or written 'informed consent,' whereby they agree to participate in the study? NO
3. Will information about the possibility to discontinue the participation at any time be withheld from participants? NO
4. Will the study involve actively deceiving the participants? NO  
*Note: almost all research studies involve some kind of deception of participants. Try to think about what types of deception are ethical or non-ethical (e.g. purpose of the study is not told, coercion is exerted on participants, giving participants the feeling that they harm other people by making certain decisions, etc.).*
5. Does the study involve the risk of causing psychological stress or negative emotions beyond those normally encountered by participants? YES
6. Will information be collected about special categories of data, as defined by the GDPR (e.g. racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a person, data concerning mental or physical health, data concerning a person's sex life or sexual orientation)? YES
7. Will the study involve the participation of minors (<18 years old) or other groups that cannot give consent? NO
8. Is the health and/or safety of participants at risk during the study? NO
9. Can participants be identified by the study results or can the confidentiality of the participants' identity not be ensured? NO
10. Are there any other possible ethical issues with regard to this study? NO

If you have answered 'YES' to any of the previous questions, please indicate below why this issue is unavoidable in this study.

**My research will involve interviews with undocumented migrants who have very likely experienced considerable difficulties in recent years owing to their exclusion from society and the migration policies they have had to deal with. At times, I may ask them to recount potentially traumatic periods of their life. Given they are undocumented migrants, information pertaining to their legal status will inevitably be collected, however I will protect their confidentiality by anonymising the data collected.**

What safeguards are taken to relieve possible adverse consequences of these issues (e.g., informing participants about the study afterwards, extra safety regulations, etc.).

**Before beginning each interview, I will make it clear to participants that they are completely free to stop the interview, or take a break, if the emotional stress becomes too much. The semi-structured nature of the interviews will also provide participants the freedom to share that which they feel most comfortable talking about.**

Are there any unintended circumstances in the study that can cause harm or have negative (emotional) consequences to the participants? Indicate what possible circumstances this could be.

**Explained above.**

*Please attach your informed consent form in Appendix I, if applicable.*

*Continue to part IV.*

#### **PART IV: SAMPLE**

Where will you collect or obtain your data?

**Primarily within civil society organisations within the Nigerian diaspora in Italy. From initial contact with one undocumented person in Italy, I will also employ a snowball approach to reach further participants.**

What is the (anticipated) size of your sample?

**10-15 participants.**

*Note: indicate for separate data sources.*

What is the size of the population from which you will sample?

**Information on the size of the undocumented Nigerian population in Italy is not available, though it is likely to be in the tens of thousands.**

*Continue to part V.*

## **Part V: Data storage and backup**

Where and when will you store your data in the short term, after acquisition?

**Audio recordings carried out with a dictation device and the transcripts of interviews carried out will be stored on the University SURFDrive provided by my supervisor which is password-protected. Any notes I take will be scanned and saved there after fieldwork and the physical copies destroyed.**

Who is responsible for the immediate day-to-day management, storage and backup of the data arising from your research?

**I am.**

How (frequently) will you back-up your research data for short-term data security?

**Recordings will be uploaded to SURFDrive at the earliest possible chance, after which the audio file will be wiped from the recording device.**

In case of collecting personal data how will you anonymize the data?

**Any names divulged in audio recordings will be anonymised in the respective transcripts, and a 'key' logging which codenames refer to which participants will be kept in a separate folder.**

## **PART VI: SIGNATURE**

Please note that it is your responsibility to follow the ethical guidelines in the conduct of your study. This includes providing information to participants about the study and ensuring confidentiality in storage and use of personal data. Treat participants respectfully, be on time at appointments, call participants when they have signed up for your study and fulfil promises made to participants.

Furthermore, it is your responsibility that data are authentic, of high quality and properly stored. The principle is always that the supervisor (or strictly speaking the Erasmus University Rotterdam) remains owner of the data, and that the student should therefore hand over all data to the supervisor.

Hereby I declare that the study will be conducted in accordance with the ethical guidelines of the Department of Public Administration and Sociology at Erasmus University Rotterdam. I have answered the questions truthfully.

Name student: **Leonard Thomas Daly**

Name (EUR) supervisor: **Laura Cleton**

Date: **20<sup>th</sup> March 2024**

Date: **09-04-2024**

