

Practices of Illegalisation

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Abstract: This article contributes to theorising the often unrecognised continuities between the illegalisation of migrant and refugee mobilities as an effect of lawmaking or other state practices of border policing and immigration law enforcement and the illegalisation of the rights, claims, and juridical status of minoritised citizens. Against a backdrop of resurgent right-wing nationalisms, we pursue this transversal analysis of state practices of illegalisation to draw attention not only to labour subordination and disposability but also the more fundamental relationship between law and terror. The making of such regimes of citizenship takes place in obvious ways at the ostensible outer edges of nation-state territories. They are also replicated in the various spatial arrangements that ensure racialised dispossession within global cities, cities that are better understood as reconfigurations of settler-colonial cities. We argue that the study of practices of illegalisation allows critical poverty scholarship to better discern how sociopolitical categories and classifications that are central to wider processes of marginalisation and domination may arise or be reinforced as effects of the state's legal productions of illegality.

Keywords: illegality, statelessness, citizenship, minorities, race

In recent years, we have witnessed a proliferation across the world of diverse instances of illegalisation, as well as a regime of borders and migration that enacts illegalisation on a global scale. The various constructions of the figure of the “illegal” migrant and the heterogeneous processes of illegalisation with respect to migrant and refugee mobilities have become a central if not premier and constitutive obsession of the border, immigration, and asylum regimes of sovereign (state) powers across the planet. What is still more remarkable, but less widely recognised, is that the denigration and castigation of the figure of the “illegal migrant” has increasingly come to be pressed into service for the subjugation of citizens. In this article, we stage a dialogue between our respective areas of research, situated in different parts of the world and animated by somewhat different analytical concerns, in order to elucidate how state power has come to increasingly rely on projects of illegalisation, whether the target of such endeavours be migratory movements or the disavowal, disenfranchisement, and effective de-naturalisation or de-nationalisation of distinct categories of minoritised citizens. Against a backdrop of resurgent right-wing nationalisms and reactionary populisms (Maskovsky

and Piven 2020), we pursue this transversal analysis of illegalisation to contribute to the refinement of critical concepts and methodologies in the field of inquiry that Elwood and Lawson (2018) have designated as “relational poverty politics”.

Thinking across migration and border studies, urban studies, critical race and ethnic studies, and postcolonial critique, we examine together a variety of examples of “the legal production of illegality” (De Genova 2002, 2004, 2005). However, rather than constrain that analysis to its original concern with undocumented or “unauthorised” migration, we expand the focus to encompass state practices that strip racially minoritised categories of citizens of legal personhood and thereby render them stateless and subject to expulsion or other abuses by re-figuring them as de facto “illegal” (and hence deportable) “migrants”. These examples underscore furthermore how necropolitics is deeply entangled with biopolitics, particularly in the ways that the relationship between labour subordination and disposability may be seen to originate in a more fundamental relationship between law and terror. We conclude by reflecting on the geographies of death that are constitutive of racialised regimes of citizenship. These practices of illegalisation are ultimately not only confined to non-citizen migrants or even to marginalised communities at the ostensible outer edges of nation-state territories, but in fact are replicated in the various spatial arrangements that serve the ends of subordinating and dispossessing the urban poor, including in so-called global cities (Baldwin and Crane 2020; Sheppard et al. 2020). Drawing critical energy from postcolonial critique, and in light of the examples that we examine here, this analysis of state practices of illegalisation then allows us to reconsider how neoliberalism’s “global cities” may perhaps be better understood as reconfigurations of settler-colonial cities. We argue that the study of practices of illegalisation allows critical poverty scholarship to better discern how sociopolitical categories and classifications that are central to wider processes of marginalisation and domination (Crane et al. 2020; Maskovsky and Piven 2020) may arise or be reinforced as effects of the state’s legal productions of illegality. In short, we are interested in how social inequalities and hierarchies increasingly come to be organised and intensified through state practices of illegalisation.

Migrant Illegalisation

Over the course of the colonisation of the North American continent in the historical formation of the United States, Mexicans have been produced as the iconic, so-called “illegal alien” (De Genova 2005). That is to say, Mexican migrants, in particular, have been rendered effectively synonymous with migrant “illegality”, to the point that this dubious distinction has become a constitutive feature of the racialisation of Mexicanness within the US racial order. It is necessary here to consider some key features of the legal history of US immigration law and border enforcement practices. Beginning soon after the war of aggression perpetrated by the United States against Mexico (1846–1848), which culminated in the annexation of what is now called “the American Southwest”, Mexican migrant labour was actively and enthusiastically recruited by employers across the region. Initially, and for several decades, there was virtually no policing of the new border that

the United States summarily inflicted to partition the territories that had all previously belonged to Mexico, and the regulation of migratory movement across the border was often informal at best. This system of migrant labour recruitment long relied on the premise that Mexican migration was strictly seasonal and cyclical in character, as famously proclaimed in the Dillingham Immigration Commission's report in 1911: "While they are not easily assimilated, this is of no very great importance as long as most of them return to their native land. In the case of the Mexican, he is less desirable as a citizen than as a laborer" (quoted in Calavita 1992:180).

In the history of immigration law-making, however, there were a series of critical junctures where legislative interventions continued to remake and reshape the contours of Mexican migration in a way that continuously remade Mexicans, in particular, as a very favoured migrant workforce in the United States and, simultaneously, as a migrant workforce that was increasingly and inordinately illegalised. Beginning in the early 20th century, there had long been what are called qualitative features of immigration law that rendered Mexicans as the iconic "illegal aliens" even as it remained pragmatically easy for Mexicans to migrate in a way that was officially "out of status", "irregular", and eventually characterised as "illegal". What is quite remarkable, however, is that prior to 1965, with the landmark overhaul of US immigration law, there had never been any statutory numerical quotas restricting migration from Mexico (De Genova 2004, 2005). This was the start of the unprecedented legal production of migrant illegality for Mexicans—or rather, for all of the Western Hemisphere, for all of Latin America, but in a disproportionate and deleterious way for Mexicans in particular, as the numerically most important migrant group. There then ensued very dramatically and very quickly a continuous process of the further expansion and hardening of immigration restriction that took aim specifically at the new "problem" of "illegal immigration". Consequently, people who had been migrating for decades and communities that had depended upon migration for generations, and following immediately on the heels of the Bracero program (a guestworker program of more than 20 years of active and enthusiastic *importation* of Mexican labour on a "legal" contract basis), there was a very abrupt illegalisation of those already well established migrant movements, migrant infrastructures, and migrant dependencies.

Insofar as we are particularly concerned with the legal production of illegality, immigration law must thus be seen as a kind of tactic that, in a very deliberate way, intervenes into the social field and produces conditions of possibility for the production of new categories of people. It also renders certain migrants extraordinarily vulnerable to the recriminations of the law, and allows for that condition of illegality to be continually revised in a way that multiplies the punitive ramifications of that condition of illegality. In other words, what it ensures is the availability of a workforce who carry, with their very existence, extraordinary encumbrances and always potentially punitive consequences and repercussions, including the ever-looming horizon of deportation. The susceptibility to deportation—deportability—is indeed a key dimension of migrant illegality (De Genova 2002).

Deportability is inseparable from the disposability of migrant lives. There is the constant threat of removal, of being coercively forced out and physically removed from the space of the nation-state. This is an expulsion from life and living itself. The production of disposability is likewise crucial when we contemplate the escalation in migrant deaths. The production of the conditions of possibility for mass death during border crossing is not separable from that more general condition of disposability that is the necessary predicate for deportation. Moreover, exposure to the systemic risk of premature death, like the susceptibility to expulsion, is indubitably a racialised condition. It is a feature of the specific kind of racial subordination that comes with a disproportionate production of illegality and deportability for particular categories of people in historically specific migrations. Nonetheless, a great majority of migrants do not get deported: they remain undeported. Similarly, the great majority do not die in the course of border crossing. But border-making practices, especially those that regulate and enforce borders, ensure that the border is arduous, and increasingly deadly. By serving as a kind of obstacle course, an endurance test, border crossing becomes an apprenticeship for a lifelong subordination as labour, once across, on the other side. In this sense, the production of more and more physically reinforced, militarised, and deadly borders, and likewise the multiplication of diverse border formations, is only the beginning of the process of creating and cultivating a lifelong condition of migrant illegality, deportability, precarity, and disposability.

Migrantisation: The Illegalisation of Citizens

In our present historical conjuncture, we are witnessing a proliferation of examples of regimes that are adapting the well established tactics and tropes of migrant illegalisation toward the ends of denaturalising or de-nationalising minoritised “undesirable” citizens, recasting them as “foreigners”, “illegal migrants”, or indeed “infiltrators”, and thereby stripping them of their citizenship. In other words, we have increasingly seen nation-state projects resort to the well worn tactics of migrant illegalisation as a strategy for the reconfiguration of citizenship itself. While the bordering extravagances of the Trump administration have garnered international attention, also afoot are less publicised efforts to convert minoritised citizens into “illegal”—and deportable—“migrants”.

In 2019, the Government of India under Narendra Modi took measures to strip a few million people of their citizenship in the northeastern state of Assam. With the stated aim of identifying “illegal Bangladeshi migrants”, often branded as “infiltrators” by Modi, these efforts included an updated national register of citizens from which newly minted “foreigners”, including all whose documents may be put in question, were to be expunged. As in the United States, these new technologies of state power exploit long-standing systems of classifying and policing migrants, including special courts and detention camps. Situated in the northeastern territories of the nation-state, Assam has long been a border zone, one where “residual citizens”, those always under suspicion, and “illegal aliens/migrants”, subject to expulsion, have been the “constitutive outsiders” through which Assamese and national, identity are constructed (Roy and Singh 2009:58). In Assam,

this history stretches back to the British empire, which recruited, and relied on, migrant workers to labour in its tea plantations (Tripathi 2018). It continues to be re-articulated through racial formations of Indian (or Hindu chauvinist) nationalism that persistently castigate Bengali Muslims as “illegal Bangladeshis” and “foreign encroachers” (Murshid 2016:581). As Encinas (2017:464) notes, under the sign of combatting “terrorism”, the Indian government has taken “extraordinary measures to curtail migration into Assam”, ranging from the “prolonged detention and torture” of alleged migrants to “mass expulsions”. These “migrants” have not only been deemed illegal but also have been stigmatised as potential terrorists, an existential threat to the nation-state. In short, Assam demonstrates a long history of migrant illegality, one where “other” identities have been repeatedly illegalised and criminalised, as well as the contemporary transmutation of these tactics of illegalisation toward the ends of migrantising citizens and rendering them subject to detention and deportation. Regardless of the religious-ethnic complexity of identity in Assam, this illegalisation has relied on a simple equivalence: Bengali Muslim=illegal Bangladeshi migrant=encroacher=terrorist threat. Indeed, the construction of such a chain of equivalences is a vital part of contemporary practices of re-bordering India’s frontiers.

In India, as in the United States, what is at work is an apparatus not so much of deportation per se as a regime of deportability. The 1.9 million people in Assam who have been required to prove their citizenship are now excluded from the national register of citizens, and thus rendered effectively “stateless”. Through the irregularisation of their citizenship (Nyers 2019), they are thus converted into undocumented persons, and thereby become migrantised and subject to deportation. As Baruah (2018) has noted, they remain suspended in “detention centres, refugee campus, and waiting zones ... in a legal limbo—between being deportable and not being actually deported”. The outcome in Assam could very well be mass expulsion. But equally important is what Roy and Singh (2009) have termed “the ambivalence of citizenship”.

In thinking from India and the United States, and in thinking transversally across these sites and examples, we emphasise how state practices of illegalisation often rely on extraordinary laws. Encinas (2017:463–464) draws attention to the ways in which border-making practices in India, notably in Assam and Jammu & Kashmir, invoke terrorism and turn migration itself into a criminal activity. These “extra-legal provisions” are essential for sovereign power and territorial rule. In the United States, such extraordinary measures were evident after the events of 11 September 2001, when the immigration regime and border-making practices were dramatically reorganised. A new target, the “terrorist” or “terror-suspect”, was identified and quickly defined as equivalent with Arabs and other Muslims. But antiterrorism also served as the pretext to revise, yet again, the terms and conditions of illegality and deportability for *all* migrants (De Genova 2009, 2010). The coupling of illegal migration with antiterrorism meant that the vast majority of migrants, not only illegalised ones, but also “legal” migrants, were suddenly subjected to new forms of instrumentalised suspicion. Similarly, the entrenchment of antiterrorism against non-citizens predictably ensured that it could quickly be deployed against citizens as well (De Genova 2007a).

It is important to note that such a state of exception is expansive, classifying large swaths of territory as the border. Rerouting Agamben's theorisation of exception through "sites of European imperialism and settler-colonialism", Sundberg (2015:210, 218) foregrounds practices of "legal suspension" through which the US–Mexico border is renewed, stretched, and applied in a space of "limitless limits". If we are to think about the legal production of migrant illegality, then we also have to consider that the rule of law depends on extraordinary measures. These forms of exception do not lie outside or beyond the constitution but rather, as Samaddar (2006) has shown, are closely related to the making and working of the constitution. In particular, Samaddar shows that the law must be understood in relation to terror. Tracing the history of the rule of colonial law in India, he argues that "the operation of law making had one important aim ... namely legally defining terror" (Samaddar 2006:22). But if this is "the founding moment of law", then as Samaddar (2006:22) argues, this is "the law that follows conquest". Constitution-making, like border-making, remains deeply imbricated with colonialism. It is for this reason that we urge a postcolonial theorisation of the illegalisation of migrants and the migrantisation of minoritised citizens. Such "limitless limits" are now starkly evident in India where the Modi regime plans to implement the National Register for Citizens not just in border states such as Assam but across the entire country. A crucial part of this reengineering of citizenship is the strategic ambiguity regarding which documents will constitute proof of citizenship thus creating the category of "doubtful citizenship".

States of Exception and "the Misrule of Law"

Understanding imperial histories and postcolonial legacies must be a vital part of relational poverty politics. The classifications and categories that shape poverty knowledge have commonly been constructed in the crucible of colonialism (Crane et al. 2020). For example, in the US context, the specificity of Mexicanness as a racial formation lies in the particular historical relationship between the United States and Mexico, a relationship of imperial violence. This originates with the conquest of Mexican territory and the incorporation of Mexican territory and Mexican people into the larger social fabric of what was a continuously expanding and expansionist US nation-state formation. It also includes a complete dependency on Mexican labour in central sectors of that frontier economy, across what we now think of as "the American Southwest", which historically was the North of Mexico. This annexed territory comprised a land mass comparable to Germany and France combined, which was stolen from Mexico outright. At the time, the US Congress deliberated openly about whether or not to annex the entirety of Mexico and thereby whether or not to round up virtually the entire Mexican population and drive them onto Indian reservations. The deep grammar of the colonisation of the North American continent with respect to Native Americans, therefore, comes to be inseparable from the imperialist logic of conquest that consequently plays out with respect to Mexico (and later, also Puerto Rico, Cuba, Guam, and the Philippines) (De Genova 2006, 2007b). In the case of Mexico, what ensued thereafter was more than a century and half of ever more

expansive and entrenched illegalisation for Mexicans in a vast territory that had previously belonged to Mexico.

The other side of the imposition of a new border between the United States and Mexico and the concomitant practices of Mexican/migrant illegalisation was the stabilisation and normalisation of racial whiteness. An extravagantly colonialist discourse of Manifest Destiny during the 19th century had depicted Mexicans as a “mongrel race”, a kind of degenerate hybrid monstrosity that combined European and Native American and African American heritages into something that represented the most debased characteristics of all three (Horsman 1981). Within this discourse, however, it was also possible to imagine that there were elites within the newly colonised Mexican territories who remained apprehensible as some kind of debased category of whiteness, who could be eligible for US citizenship according to the explicitly white supremacist grounds of the various state constitutions as the colonised territories eventually acceded to statehood. These were overtly racist constitutions that explicitly reserved the possibility of citizenship only for those Mexicans who could be called “white”. This ensured therefore that the great majority of Mexican subjects of US power in these annexed territories were effectively reducible to Native Americans, to be racially denigrated and permanently denied any semblance of citizenship (Griswold del Castillo 1990). A facile and superficial reading of this history would suggest that Mexicans became US citizens following the end of the US–Mexico war and the annexation of the Mexican territories. What the vast majority in fact became were racially subordinated colonial subjects of the US state, without citizenship, produced as a category of non-whiteness, which from the beginning was understood to be neither white nor Black.

We have already discussed how border-making tactics are classificatory schemes marking certain categories of people as illegal or even criminal. Likewise, we have also considered how such practices of illegalisation often entail structures of equivalence, associating illegality with racial or religious difference. It is thus that such figures as “the Mexican” or “the Muslim” emerge as the iconic figures of illegality/criminality/terrorism, threatening the national sovereignty, territorial integrity, and social order of the state. But as we have also seen in the example of the putative whiteness of a select minority of the Mexicans in territories colonised by the United States, classificatory schemes are also “modes of differential incorporation”, an important insight that informs Elwood and Lawson’s (2018:4) theorisation of relational poverty politics.

In India, state practices of illegalisation—whether it be the migrantisation of minoritised citizens or the eviction of slum-dwellers—have often deployed cut-off dates as mechanisms for the enforcement of differential incorporation. Necessarily arbitrary, cut-off dates are a powerful spatio-temporal technology, reinscribing legality and illegality and renewing relationships of political loyalty and dependency. Scholarship on urban informality has paid close attention to cut-off dates as a way of understanding the “temporal rhythms” of statecraft, especially in relation to those “who live on the margins of the state” (Ghertner 2017:731). But it is also important to consider the extraordinary measures under which such negotiability between state and subaltern is suspended and cut-off dates become policed temporal borders. In the case of Assam, two cut-off dates determine

citizenship: 1 January 1966 and 25 March 1971. Those who can prove residence in Assam prior to the first date are considered citizens. Those who entered Assam on or after 25 March 1971, the founding of Bangladesh, are disqualified from eligibility for citizenship. Migrants who fall between these two dates have to register with the Foreigners Tribunal and prove and earn citizenship (Tripathi 2018). Such cut-off dates can be understood as a mode of differential incorporation into a kind of ambivalent citizenship. The Modi government has sought to deepen such differentiation through the Citizenship (Amendment) Bill introduced in the Indian Parliament in 2016 and passed as an Act in December 2019. The Act grants citizenship to non-Muslim refugees from the neighbouring countries of Afghanistan, Bangladesh and Pakistan (Purkyastha 2018), thereby consolidating the specific equivalence of migrant illegality with Muslim identity, and further institutionalising the state racism against Muslims as undesirable for citizenship.

The exceptions carved out by the Citizenship Act in India are a practice of legalisation. Just as the illegalisation of migrants is a crucial exercise of state power, so is the valorisation and formalisation of various illegalities, in ways that conjoin the reconversion and regularisation of some forms of illegality with the concomitant reinforcement of others' illegalisation. This is precisely what has happened with each instance of migrant "amnesty", whereby the terms and conditions for legalising those who qualify for the stringent eligibility requirements merely reformatify the illegalisation of all those who do not qualify, and of course of all those who migrate thereafter. Similarly, the scholarship on urban informality has demonstrated that, around the world, informal urbanisation is as much the purview of wealthy urbanites and suburbanites as it is that of squatters and slum-dwellers. These forms of elite informality are often regularised and legalised by the state, including through urban planning processes (Baldwin and Crane 2020). Subaltern informalities, in contrast, tend to be criminalised and rendered vulnerable to eviction, demolition, and expulsion (Sheppard et al. 2020). Writing in the context of Israel–Palestine, Yiftachel (2009:88) describes such processes in terms of "gray spaces", "those positioned between the 'whiteness' of legality/approval/safety, and the 'blackness' of eviction/destruction/death". Yiftachel is particularly interested, as we are, in analysing the manner in which the state formalises and criminalises different spatial configurations, authorising and legalising the land invasions of the powerful and criminalising the habitat of the disenfranchised. Similarly, Holston (2007:228) notes that Brazilian cities are marked by an "unstable relationship between the legal and illegal". While what is often visible are the informal settlements of the urban poor, much of the Brazilian metropolis is occupied through the "misrule of law": "Thus in both the wealthiest and the poorest of Brazilian families we find legal landholdings that are at base legalized usurpations" (Holston 2007:207). The democratisation of urban space in Brazil, Holston (2007:204) argues, is a process by which the urban poor have effectively learned from the rich to use the law and legitimise their own land claims: "they perpetuate the misrule of law but for their own purposes".

While such forms of spatial immunity, legalised usurpation, and even outright neoliberal land grabs can be understood as examples of accumulation by dispossession (Harvey 2003), we are interested in situating these processes in colonial

histories of accumulation by *racialised* dispossession and postcolonial formations of racial nationalism. The rise of the BJP to the heights of political power in India has coincided with the granting of large parcels of land to the key stalwarts of Hindutva, including Baba Ramdev and his Patanjali enterprises. “In the largest of these deals, Patanjali was given a 1200-acre parcel of land in the eastern state of Assam at no cost” (Worth 2018). Worth (2018) describes the emergence of an entire infrastructure of right-wing ideology in the northeastern territories, a “state-temple-corporate complex” that laid the groundwork for the BJP victories in Assam’s 2016 legislative elections. What is of special interest to us here is the ways in which private enterprise and the work of accumulation by dispossession in India’s northeastern frontier then advances the political work of Hindu nationalism, such that the entrenchment of right-wing power on the national scale partly depends on the specific project of illegalising Muslim citizens in the borderlands and rendering them stateless, rightless, and utterly disposable.

Geographies of Death

As we have seen, illegality and deportability are closely related to the sheer disposability of human life. While disposability must be understood in relation to the productive biopolitics of labour subordination, it is simultaneously inextricable from what Mbembe (2003) has called “necropolitics”. On a global scale, the border increasingly serves not only to differentially regulate the uneven mobilities of human lives in motion but also to differentially manage and distribute their exposure to the risk of violence, mutilation, and death. It is in this regard that the Mediterranean Sea has become apprehensible as a mass grave (De Genova 2017). Europe’s border-making practices have ensured the continuous proliferation of migrant and refugee deaths (Andersson 2017; Heller and Pezzani 2017). A similar argument can be made about the US–Mexico border where there has also been an escalation of deaths since the late 1990s (De León 2015; Sundberg 2015). Such migrant and refugee deaths cannot be viewed as accidental or even random, but rather are the perfectly predictable and systemic effect of border militarisation and physical fortification. They are inextricable, furthermore, from racialised histories of illegalisation, exploitation, deportability, and expulsion. More specifically, such geographies of death are shaped by state power and border enforcement strategies that actively convert landscapes and seascapes into geographies that kill (Heller and Pezzani 2017). For example, an internal memo of the US Border Patrol notoriously proposed a strategic plan to deliberately fortify the physical barriers of the US–Mexico border in those places where migrants crossed with the greatest ease, such as the densely populated continuous conurbations of US and Mexican cities. The deliberate and explicit calculation was precisely to foreclose the possibility of safe passage, thereby driving migration from Mexico into remote areas that are much more perilous, ensuring that these would become horrific geographies of proliferating border-crossing deaths.

Border enforcement is not confined to the physical space of the actual border line, however. Instead, the border has become an extended zone of enforcement that eventually encompasses the entirety of the space of the state, and manifests

itself in the full extent of the “interior” in the heterogeneous spaces of migrant everyday life. Border checkpoints extend a hundred miles from the actual border in the case of the US–Mexico border. People living within this amorphous border zone find themselves subjected to a proliferation of checkpoints in their everyday life (Talavera et al. 2010). For those illegalised migrants who actually live in close physical proximity to the border, every feature of ordinary daily life tends to be always riddled with the possibility of some sort of inspection and potential detection, interdiction, and arrest. Moreover, similar processes have become commonplace in many cities, and virtually everywhere migrants go in the course of making their lives and making a living. Historically, migrant communities have often been subject to extraordinary policing, surveillance, and raids. The present historical conjuncture reveals a resurgence of this type of ubiquitous border enforcement. This means that border struggles are now dislocated and re-scaled as urban struggles (De Genova 2015).

Thus, a critical attention to the open-ended processes of border-making and state practices of illegalisation invites an interrogation of some of the defining concepts in urban studies—above all, the very concept of the city. The proliferation of the border in multiple and diverse sites of immigration enforcement across the extended and uneven geographies of migration have led De Genova to propose the concept of the migrant metropolis (De Genova 2015; see also Gambino 2017). The state of exception, with its convoluted but ever expansive and recurrent spatio-temporalities, requires a conceptualisation of an urban world increasingly characterised by a proliferation of migrant and refugee camps (Agier 2011)—some self-organised and autonomous launchpads for migrants’ mobility projects (Lecadet 2013, 2017), others spaces of humanitarian government or abandonment (Garelli and Tazzioli 2017), and yet others outright detention centres and migrant prisons. These too must be seen as a part of the global urban fabric of the migrant metropolis.

The long history of racial capitalism requires, as McKittrick (2013:5) has argued, an understanding of the plantation “as a meaningful conceptual palimpsest to contemporary cityscapes”. Heynen (2016:840) thus calls for a new agenda of abolitionist ecology attentive to the “deep historical spatial logics of the ‘ghetto’, the ‘plantation’, the ‘colony’ and the ‘reservation’” in order to understand “uneven urban environments”. He proposes a synthesis of McKittrick’s (2013) plantation logics and Fanon’s (1965) description of the colonial city. We argue that the border analogously serves as a conceptual palimpsest through which to reconceptualise the urban, both demonstrating the deep historical spatial logics of settler-colonialism and imperialism that run through urban life, globally, while also revealing the ongoing, open-ended transformations of social life instigated by the autonomous and incorrigible subjective force of migration.

The ongoing, open-ended, unresolved relationship between the border and national territory is of particular interest. As Coutin (2010) has argued, the securitisation of immigration has turned national territories into “zones of confinement”. Such securitisation, she notes, “entails both extraterritoriality, that is the extension of US legal regimes into foreign territories, and intraterritoriality, or the operation of different legal regimes within national territories” (Coutin 2010).

Such processes of border “externalisation” have long been even more pronounced in the European context, where junior partners in the policing of the borders of the European Union can be found even to the south of the Sahara Desert (Andersson 2014). And likewise, in the aftermath of the so-called “migrant” or “refugee crisis” of 2015–2016, the European Schengen zone of putatively free mobility was confounded with a convulsion of re-borderings internally.

These re-borderings, both externally and internally, evoke the reentrenchment of migrant illegalisation as well as emergence of new practices of illegalisation that resonate more generally with other forms of state-instituted violence against racially subordinated bodies and communities. If the Mediterranean and the US–Mexico border have been transformed into deeply racialised geographies of death, then, so also have communities on the frontlines of urban displacement. We therefore urge poverty scholars to attend to the geographies of death that haunt our cities, most notably to well worn patterns of racist police lethality (Vargas and Alves 2010), even as the expansive geographies of border deaths serve to haunt but also discipline migrant *life* in the “interior” spaces of urban everyday life. Here once again we must interrogate the legal production of illegality. Municipal laws governing such apparently mundane matters as disorderly conduct or nuisance abatement not only drive evictions but also criminalise poverty and exacerbate vulnerability, often stripping racialised bodies of all legal personhood and protection (Baldwin and Crane 2020; Sheppard et al. 2020). From civil gang injunctions to sit-lie ordinances, the law is deployed to target and expel bodies marked as dangerous and unruly. These bodies are disproportionately Black and Brown ... and poor. Indeed, these are instantiations not only of civil death but also of social death (Cacho 2012; Price 2015; cf. Patterson 1982), and all too frequently, also of literal death. With Loyd et al. (2012), Hernandez (2017), and Price (2015), among others, we direct poverty scholars to interrogate how the mass incarceration of Black and Brown bodies and the related forms of human caging, especially at the borders, are rooted in the histories of indigenous extermination, migrant illegalisation and deportability, and Black criminalisation and disappearance that together comprise some of the elementary and enduring pillars of a global sociopolitical order of (post)colonial white supremacy, serving to continuously reconsolidate and reinvigorate the deep relationality of race and poverty (Crane et al. 2020). Disposability and premature death must thus be understood in relation to various uneven (post/colonial, racialised) spatialisations of state violence, and their disparate application to populations of citizens and migrant non-citizens alike reveal profoundly analogous dynamics in which the law is deployed as a tactic of illegalisation.

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