

The crumbs of colonialism: the immigration process- from savages to civilized and shifting of submission from one sovereign to another

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The following article aims to explore the aftermath of colonialism in different shapes and forms. Moreover, the paper will also explain the ways racial and national identities are affected in the building of nationalism and its consequent effects during the process of acquiring the citizenship of another country (shifting our submission to another sovereign). I argue that colonialization was not only geographical but also racial and intellectual. The theories that evolved in the racialized colonial period such as social evolution theory are still seen in some of the workings of institutions (such as the Immigration Office). However, the application of social evolution theory is much more subtle now and essentially reflects the same colonial mindset. Hence, I will conclude that because of historical connectivity and neocolonialism immigration becomes a right. I will also deduce that the complex yet unnecessary immigration process renders the "submission to the sovereign" in limbo which disturbs the whole idea of nationalism

I. INTRODUCTION

The following paper aims to explore the idea of citizenship that emerged in colonial times and still persists to date. In the contemporary era, the legal and even the social forms of citizenship are now attached to rigidly exclusive nation-states. Exclusivity is practiced in the immigration process which is institutionalized in racist and classist ways. Thus, I will connect the Social Evolution theory by Lewis Henry Morgan to the immigration process. I will locate the process of evolution from savagery to barbaric to civilized in the stages of the immigration process (from applying for obtaining blue card to

having citizenship). The research will use the immigration process of Britain as the case study. The aim is not to overstate the lacking and problematic practices in the British immigration system. However, the aim is to use the British immigration system to give an idea about the working of the immigration system of former colonizers and a general viewpoint of the working of the immigration process.

II. MAIN ARGUMENT-SOVEREIGNTY OF THE NATION'S STATES: EXCLUSION AND INCLUSION IN CITIZENSHIPS

The long-held strict and heterogenous national identities within the nation-states are being challenged by the increasing number of transborder immigrants. The traditional liberalism attached to state sovereignty requires the state to be neutral or oblivious to cultural variety. However, the ideas of traditional liberals increase racial polarization and inequality in social engagement. Consequently, to counter the challenges posed by immigration to the national borders and state sovereignty, the immigration process is designed in a way to filter out the undesired population. The undesired population includes people of color (essentially the inferior races), people of certain marginalized religions, and people from developing countries (the third world).

The sovereign of nation-states fails to account for cultural values and individual subjectivities particularly those of racial and religious minorities. However, in today's world, diversity is increasingly celebrated despite immigrants being identified by ethnic, racial, and religious differences. Thus, theories such as multiculturalism have evolved that is the proponent of acknowledging and accommodating minorities, including immigrants, by introducing policies or regulations to make it easier for minorities to participate in society. According to Marshall (1950), we must evaluate various kinds of involvement of people as citizens especially relating to economic and social well-being. It can also be argued that social inequality can be mirrored as "second-class" citizenship that rarely addresses the economic, social, and political engagement of immigrants. The movement of people across the physical territories does not only involve the legal politics of defining a citizen and non-citizen but also involves the politics of people moving across the social space.

There is a difference between the idea of citizenship in the nation-state and the idea of belonging to the nation-state. It is because the nation-state is an exaggerated and over-idealized concept that maps out the congruencies of nationhood and nationalizes geographical territories. The nation-state is an internally fluid but externally constrained space,

where cross-geographical mobility is drastically limited. The imagined "ideal" nation-state is a space of internal equality, mobility, and heterogeneity while being separate from external sociocultural and sociopolitical dynamics. The nation-state also aims to create a parallel between (imagined and unitary) national culture, and national territories by associating and attributing certain historical facts. For example, the national historical narrative of Pakistan sees the Mughals Empire as their national historic legacy and identity which can also be adopted by India, as the Mughals also ruled present-day India. However, Pakistan adopts this narrative because the national identity of Pakistan is constantly tied to Muslims and their struggles/achievements specifically in South Asia.

The concept of citizenship helps to connect normative concerns of equality and inclusion with the experiences of immigrants and native-born (nonimmigrants) in the nation. The terms of citizenship are not able to define who belongs to a particular nation, but they are able to clearly define who does not belong to a nation. A comprehensive definition of citizenship entails legal status, political security, basic rights, and a sense of belonging for an individual. However, the four key dimensions of citizenship stand in conflict with each other. For example, the legal status of an immigrant may be a citizen however, the immigrant may not be accepted in the social sphere of the host community.

- Exclusion and the Homosacer

A tension between exclusion and inclusion of the population (legally and socially) is constant in citizenship. For example, the Afghan refugees in Pakistan in the aftermath of the Soviet-Afghan War in 1979. The state of Pakistan was and is still reluctant to provide citizenship to Afghan refugees because the traditional view of citizenship deems it as an exclusive right only for the people born in Pakistan. However, the state of Pakistan also does not want to remove the Afghan refugees from its territorial boundary. Firstly, because of the international pressure groups and human rights activists who seek to find a safe place of abode for war-stricken Afghans. Secondly, the state of Pakistan being the sovereign can treat Afghan refugees as homosacer. The government of Pakistan treats Afghan refugees as homosacer by not

extending them citizenship and rights associated with it but also wants to keep them in the land of Pakistan in order to attract foreign aid. Moreover, the existence of Afghan refugees as homosacer is significant to the state of Pakistan because then the sovereign will blur the boundaries to dictate laws (regarding who is the subject of the state) yet hold no accountability towards the flexibility of laws. A way to understand it is that the government of Pakistan recognizes and wants to secure the contribution of Afghan refugee workers towards the economy of Pakistan but does not want to provide them citizenship. If citizenship is provided to Afghan refugees, they will also expect basic rights as citizens of Pakistan and utilities that are the responsibilities of the state. However, the state of Pakistan wants to keep Afghan refugees as homosacer by extracting their labor and enjoying the foreign aid that comes in the name of "refugees." If the status of Afghan refugees is changed from refugees to citizens, then the state will have a responsibility towards them, and no foreign aid will be expected as they are no more refugees.

It is proved that representation for nation-states can be through multiple means besides territorial representation. For example, as seen in the case of Afghan refugees participation in the labor force, forming families, and being part of social culture make the immigrants a significant part of the host society, in other term now even Afghans can represent Pakistan (as they have been living here for so long). However, traditional liberalists see this contribution as elevating to a form of participatory citizenship where aliens/intruders/refugees/immigrants soon will expect and make citizenship-like claims, even in the absence of legal citizenship status by the state.

In efforts against exclusionary citizenship, the liberal view aims to merge certain rights such as political involvement as an individual right or more as a human right. The idea of unified nationality has become obsolete with growing multiculturalism and transnationalism. The new reconfiguration of multiculturalism focuses on sub-national as well as transnational modes of citizenship. It is also realized that territorial membership underrepresents multiculturalism and hence the link between rights

and community membership becomes central to the discussions about multiculturalism.

III. IMMIGRATION PROCESS: FROM SAVAGERY TO CIVILIZED

The long history of racialized practices has intensified with the emergence of nation-states. The rigid nationalism and strict geographical boundaries have made cross-border mobility extremely difficult by ending free cross-border movement. Moreover, countries have introduced immigration systems to filter out "wanted" and "unwanted" populations through border control. The immigration process is also a way to preserve the sovereignty of a nation by not extending citizenship to everyone.

The immigration process is designed in a way that only allows the desired population to become a part of a particular nation. The immigration process is divided into many parts and citizenship is granted only when an individual "progresses" from one step to another (progress is a long-held notion in the European civilizations where they define development in different parts of the world by making Europe a center). The idea of progress and the multi-layered citizenship process is very similar to the social evolution theory by Lewis Henry Morgan. The Social Evolution theory by Morgan sees human development throughout time in three stages: savagery, barbarianism, and civilization. The idea of progress from savages to civilized emerged when European societies "discovered" primitive populations.

The European societies tried to uplift primitive societies from savagery to civilization essentially through colonization. The whole uplifting process became known as the white man's burden where the white man (the superior race) was already at the civilized stage and the colonies such as Africa and India which had still not achieved civilization remained the inferior race. The immigration process, in a broad sense, is also designed along almost the same lines as the social evolution theory. Citizenship cannot be acquired just by filling out a form and relocating to a state. It is a process through which a person undergoes, that deems them (racially, intellectually, and financially) fit to be a part of a country.

For the comparison between the stages of social evolution and stages of the immigration process, I will use the case study of the British immigration system. The British immigration system is significant to the research because firstly the nation is a former colonizer. Secondly, like any other country with a dominant white population, Britain also has a long history of racialized practices and appropriation of the non-white population. The aim is not to target and label the British immigration system as racist but to obtain a broader picture of the immigration processes of former colonizers and developed nations. Thirdly, the British immigration system is very similar to the immigration systems of other developed countries such as the USA and Canada. Thus, using the immigration system of Britain we will be able to analyze the general trend of the immigration process in first-world countries.

- Savages to Barbaric- non-British citizens to Blue Card Holders

The first stage in the social evolution theory is savagery. The savage stage is the lowest where an individual is in its most primitive, underdeveloped, and uncivilized form. According to European colonizers, the most inferior races namely Africans are at the savage stage. However, when seen from the lenses of the immigration process, anyone who does not have British citizenship is seen to be on a savagery level. It is because all the people who do not possess British citizenship are not on the same "superior" level as their native British population. One of the reasons for establishing geographical boundaries is to keep savages/ others out of the sovereign's territory. Thus, anyone who wishes to be a part of Britain has to go through the immigration process to prove that they have progressed from the savage stage and are one step closer to being as civilized as the British.

Hence to "progress" from the stage of savagery to the stage of barbarianism and to aspire to be on the same level as British citizens, people have to go through a tedious process of acquiring the Indefinite Leave to Remain (ILR) or local terms Permanent Residence (PR). The UK blue card or permanent residence card allows for the Right of Abode. Individuals having permanent residence status are permitted to live and work in the United Kingdom indefinitely. There are no immigration limitations on

working or doing business in the UK, and there will be no term limits on the stay.

The ILR cannot be obtained by everyone. There is an eligibility criterion that deems people fit to make an application for acquiring ILR. This whole process of acquiring ILR can be seen as the transition from the "savage stage" to the "barbaric stage." During this transition, the ILR is awarded only to people who have valid work visas, people who have to do business in Britain, investors, and people who have UK ancestry or have a spouse who is a British citizen. For the transition from savagery to barbaric to be complete, the candidates (the savages) have to provide their personal details and go through certain tests. These tests include the "Life in UK" test, English proficiency test, and proof of finances. The three tests aforementioned, are to see whether the applicant is still a savage. The "Life in the UK" test is to demonstrate the knowledge of the applicant about British life. English proficiency test is to make sure that the applicant can fluently speak English (as if the English language is the measure of intellect). The proof of finances (varying from £1,270 to £20,000 according to the number of years an individual is willing to stay) is necessary to show that the applicants are able enough to support themselves. However, the ILR can relapse if the individual continually resides outside the UK for more than two years. The idea is to make sure that the PR holders continue to live in Britain to assimilate into the society and leave behind their savage traits. Moreover, the continual residence of PR holders in the host country will also mean continuous labor and contribution to the economy.

Thus, after obtaining an ILR or PR we conclude that an individual who was once a savage has now progressed to the barbaric stage. However, the civilized stage is still not reached because citizenship has not yet been awarded.

- Barbaric to Civilized- from Blue Card holders to British Citizens

The process to obtain citizenship from the ILR can be seen as the transition process from barbarians to finally civilized. Citizenship in Britain can only be obtained if an individual has ILR which means that the applicant has already been through and passed the stage of being a savage. The process to acquire

citizenship (essentially becoming civilized) entails certain conditions. For example, the applicant must have lived in the UK for the past five years, possess ILR, have passed the English proficiency test and "Life in UK test," have a good character, and must plan to permanently live in the UK. The idea of good character is also problematic in many ways. While the good character condition entails no criminal record and notorious behavior in society, it also requires "financial soundness." Thus, the basic idea is that citizenship will only be granted to people with a stable monetary position.

These conditions are also known as naturalization. In short, naturalization is the sole way to become a citizen. Naturalization requirements vary by country, but they typically entail a term of physical presence, "good character" and some knowledge of the culture of the host country and its predominant language (s).

This means that an applicant is obtaining citizenship through the naturalization process because essentially the applicant has lived long enough in the host country to almost become a part of it naturally. The process of naturalization is problematic and calling it a "naturalization" process is even more problematic. It is because the idea of naturalization rests upon the practices (such as living in the host country for more than five years or Life in UK test) to uplift the applicants from their inferior status by assimilating them into civilized society. Hence, after living in a civilized society for more than five years and learning their language the applicants will "naturally" elevate from the barbaric stage to the civilized stage in human evolution.

The immigrant is also supposed to attend a citizenship ceremony which marks the completion of the process of obtaining British citizenship and a Britain passport. During the ceremony, the applicant is required to swear an oath or affirmation of allegiance to the Crown and a promise of loyalty to the United Kingdom. This is a formal undertaking made to the head of the Monarch and the United Kingdom. After taking the oath and making the vow, the certificate of British citizenship is awarded, which is legal proof of being a British citizen and reaching the civilized stage of human social development.

IV. EXAMPLE OF RACISM IN THE BRITISH IMMIGRATION SYSTEM

In "British Multiculturalism after Empire" the authors explain that since there was no distinction between subjecthood and citizenship migration to Britain was also a primary privilege. Before the British Nationality Act of 1948, subjecthood (privileges attached to British subjects) was an inherent entitlement for everyone born within the British Empire and the Commonwealth. However, postwar Britain viewed itself as the head of Commonwealth states to move away from "whig imperialism" to a more egalitarian "Commonwealthism" (Ashcroft & Bevir, 2019). However, soon immigration process became highly racialized as the Immigration Act of 1971 included criteria that were highly based on race, such as the infamous "partiality" condition, which let most white descendants of British colonists into the UK but virtually prohibited nonwhites.

It would be wrong to conclude that all the British immigration policy was racialized, however, the covert patterns of filtering out desired and undesired population has been an integral part of the British immigration system. For example, in the immigration acts of 1961 and 1962, commonwealth-colored immigrants were denied entry, whereas the Irish received racialized advantages where they were exempted from immigration control. Moreover, the commonwealth subjects remained caught up between institutionalized racism and boundaries of whiteness in the post-colonial world. (Fox et al., 2012).

V. IMMIGRATION PROCESS: STILL NOT CITIZENS

It is a fact that immigration is a multifaceted process in both legal and social terms. The tedious legality involved has already been explained. But we should also take into account the "identity limbo" which is created during the immigration process and in the aftermath of attaining citizenship.

First and foremost, immigration creates a distinction between residence and citizenship which generates internal and external politics of belonging (Ashcroft & Bevir, 2019). This opens up a new debate about attaining formal citizenship rather than living as a

member/outsider. The immigrants become interwoven in the host society and their bond grows stronger with the land even in the case of the absence of formal citizenship. Thus, formal citizenship is not necessary for inclusion and assimilation in the host society. Second- and third-generation immigrants have a particularly compelling case. It is because some immigrants and their offspring can go on living without formal citizenship even though they might be residing in the only country they have ever resided in. For example, the case of Afghan refugees in Pakistan. The problems of membership and belonging are as old as human history. The contemporary nation-state fundamentally reconfigured both immigration and membership, submitting both to the nation-classificatory states and regulatory grid (Brubaker, 2010).

Furthermore, recent versions of external politics of belonging are also in a debate such as transborder nationalism rather than post-national or transnational. The idea of global law is also gaining ground in response to racialized immigration authorities to promote trans-territorial laws that treat people from different geographical locations equally.

VI. ANALYSIS: HISTORICAL REASONS

Political shift from colonial states to nation-states: new forms of colonization (geographical, racial, and intellectual

In the colonies, the move from securing territory to population monitoring begins. Colonizers developed covert forms of control such as surveillance and monitoring through documentation/paperwork to manage their colonial subjects. The colonizers deemed it necessary to monitor populations (colonial subjects) after seizing their territories. The colonial population was perceived to be a "dangerous population" (Berda, 2013) and inferior subjects. It became a white man's burden to manage and civilize the colonial population. Hence the need for state administration (by colonizers) became inevitable. Moreover, colonial powers had to sustain their political sovereignty over the seized land and strengthen their strategic power. The monopoly over

geographic territory is exercised through granting citizenship as a token for recognizing the population as the subjects of the imagined concept of state.

In 19th-century British India, the notion of subject-citizen was gaining momentum because the label helped the Indian colonial population see themselves as on the same par with British citizens in Britain (Jayal, 2013). However, the British subject-citizen aspiration was with only a few Indian elites who were conscious of western ways of the organization of subjects in the states. Even though subjecthood is seen as a claim and citizenship as a legal status, the idea of subject-citizens was to see (colonial) India as one political unit regardless of its ethnic, religious, social, and lingual diversity.

However, soon "imperial" citizenship was introduced to differentiate between the external and internal aspects of citizenship. The external and internal dimensions of citizenship were created by the British colonizers to maintain a difference between their British citizens and their colonial subjects. The efforts for imperial citizenship were made to obtain equality in terms of rights for Indian subjects as enjoyed by other subjects of the British empire. The claim was made that Indian subjects were denied rights (which were given to the subjects of the Crown in Britain) because of the racial hierarchy in which the British population was superior. Such injustices were done because the colonizers recognized the colonial population as their subjects and not citizens. Even if the title of citizenship was given it would be attached to racist and classist notions such as "imperialism" or "colonialism." Another benefit of imperial citizenship to the British state was the increase in the population who firstly submitted their allegiance to the sovereignty of the Crown and secondly more tax collection.

The myth of inclusion in the British Empire continued with the colonial citizenship introduced to make sure that Indians were given civil liberties, and social and political rights under British rule "in India." However, such rights were given only to influential people such as landlords and notable people from the media. Colonial citizenship can be understood as largely based on class differences, which made room for different classes to emerge within colonial India such as landlords, civil

servants, and property holders. Such distinguished classes were put in delusion as being treated as citizens and not just mere subjects by granting colonial citizenship.

Thus, with multiple categories of subjecthood and complexities around the content of citizenships, the British empire conveniently made laws (such as immigration laws) to treat different classes of British subjects (and colonies) differently based on race, language, religion, and geographical territory,

- Immigration process: a convenient though covert neo-colonialist act

Multiple complexities are involved in the immigration process. The long duration of the immigration process leaves the national identity and submission of will to (state) sovereigns in limbo. It is because legally an individual wants to become a part of another country while being a part of his home country already.

Immigration also has a lethal effect on the economy of the country from where people are migrating. It is because of intellectual migration that leads to economic exploitation (the brain drain). Mostly, people who migrate also take away their intellectual labor or even physical labor with them which is a loss to the economy. However, immigration from the host country is beneficial economically because firstly only the skilled/trained people (a form of human capital) with financial stability are filtered through the immigration process. Secondly, the immigrant population will live and pay taxes which will keep the cycle of the economy healthy in the host country. Lastly, the processing fee for immigration also helps the state produce revenue.

Moreover, the colonial models returned to the West (to engage in neocolonialism) with global institutions and declarations such as the IMF (International Monetary Fund) and the Universal Declaration of Human Rights. The ambiguity around citizenship and a single sovereign are further intensified in the Universal Declaration of Human Rights. The world's most comprehensive international law book has some inherent contradictions between universal human rights and territorial sovereignty. The document recognizes the right of an individual to emigrate (the right to leave a country) but it does not recognize the right of an

individual to immigrate (to enter another country) despite being formed to promote cross-border harmony in human rights.

The Universal Declaration does not appear to impose explicit compliant obligations as it has no designated addressees. With globalization, the emergence of multiculturalism, and the weakening structure of nation-states the lines between nationals and immigrants are being challenged. With the existing complex declarations such as the Universal Declaration of Human Rights, the friction between the sovereignty of nations and the human right to mobility is resulting in absolute disagreement between the two. In this way, today's postcolonial migratory movements threaten not only the frontiers of European citizenship but also the borders of our imagination.

VII. DOES MIGRATION BECOME A RIGHT IN LIGHT OF COLONIAL AND NEOCOLONIAL EXPLOITATION?

Immigration becomes a right because national identities are the product of past legacies. The past is essential to a nation's identity, as it shapes the nation and gives it form. For liberal nationalists, the link to the nation's specific past is shared by co-nationals identifying with their past legacies. However, the shared histories of nations make it difficult to own a particular history just because it is reminiscent of the current national identity as in the case of the Mughals, India, and Pakistan continually engage in the argument of who owns the Mughal legacy. However, colonialism has a rather extraordinary historical relationship. With the colonial encounter in the histories of nation-states such as Pakistan, it becomes difficult to capture the broad spectrum of shared history.

Even though nations follow a transition from historical empires and acknowledge the right of individuals to emigrate, they do not believe that there is also a right to immigrate into a particular nation-state based on mutual or shared histories. (Amighetti & Nuti, 2015).

The cultural factor is critical in explaining the concept of interwoven histories, but it does not suffice to establish cultural assimilation as a credible admission requirement. Rather the concept of

national identity of postcolonial immigrants can also be seen as already "assimilated" because of the colonized past. The shared history (because of colonization) between the immigrant and the nation of entry should have a binding relationship, discarding unnecessary requirements such as assimilation.

The idea of extraordinary, shared history is explained by Amighetti and Nuti in "A Nation's Right to Exclude and the Colonies." The author argues that the national identity of former colonies cannot be understood in isolation from the national identity of their ex-colonizers because these nations have intertwined histories (Amighetti & Nuti, 2015). The intertwined histories mean that the former colonies constitute an undetachable "historical and cultural" element that cannot be used to undermine the complexities of postcolonial identities. Even though the colonizers acknowledge the cultural and historical linkage with their former colonies they impose immigration laws for strengthening nationhood, for example, "Europeanization". On the basis of claimed cultural and historical connections, and alleged assimilation, postwar France favored immigration from European nations like Italy and Spain.

Moreover, immigration as a right should be granted by the colonizers in the form of reparations and the answer to the distributive justice system. The immigration policies towards the (formerly) colonized population should be loosened as a reparation and to rectify the colonizers' unfulfilled distributive justice duties during colonialism.

VIII. CONCLUSION

Therefore, it can be concluded that the immigration process and obtaining citizenship is as exclusive as the concept of nationhood. The nations (countries/states) legitimize the exclusion of people using the citizenship and immigration process embedded in the legal framework. Hence, immigrants are accepted or rejected within the legal framework of an imagined concept on a highly racial, intellectual, and financial basis. There is visible institutionalized racism within the immigration process stemming from the racial and colonial past to present neo-colonialism. The process

of immigration is divided into stages which is very similar to the stages of social evolution theory which essentially uplifts a (non-white) man from his lower racial and social status. The racialized practices established during colonial times persist to the present time just in legal and organized forms such as the immigration process. Thus, with the immigration process, the national identity falls into limbo considering the historical aspects, the submission of will to the current sovereign (home country) and changing of the submission to another sovereign (host country). And because of the shared histories yet separate nation-states, I believe that immigration should be an individual right (and may be considered a human right too). It is because the relationship from a particular land cannot be made exclusively based on imagined concepts (nation-states).

Moreover, the exclusive practices also give room for new possibilities to occur such as neocolonial exploitation in the form of global institutions (IMF, UN) and charters which aims on unifying policies and practices for the whole world. This approach is problematic because global institutions (largely but not entirely) ensure the continual dominant presence of colonial powers and world powers. Moreover, global institutions rarely take into account the subjectivities and diversities involved in certain parts of the world, especially the non-west.

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