



<https://www.um.edu.mt/platforms/migration/>

© Cover credit: Prof. Stavros Assimakopoulos

This is an international journal published by
the Platform for Migration, University of Malta

Mediterranean Journal of Migration

About the Journal

The *Mediterranean Journal of Migration* is a multidisciplinary refereed open-access online journal with a special focus on migration in the Mediterranean region. The Journal is published by the Platform for Migration, based within the University of Malta.

The University of Malta Platform for Migration was set up to offer a dialogical space in which researchers from different academic disciplines can work towards understanding all the evolving aspects of international migration, with a focus on the Mediterranean region, with a view towards contributing to an equitable, more sustainable and more inclusive society.

Accordingly, the *Mediterranean Journal of Migration* aims to facilitate the dissemination of academic research related to migration. The journal is interested in accepting submissions which are research-based, including reviews of relevant literature grounded in empirical research, and theoretical contributions (i.e., conceptual models, frameworks, etc.).

Peer Review Process

Manuscripts submitted to the *Mediterranean Journal of Migration* are subject to a rigorous process of a double-blind review by a minimum of two reviewers with a relevant academic background and expertise.

All work published in the *Mediterranean Journal of Migration* is licensed under Attribution 4.0 International. To view a copy of this license, visit <https://creativecommons.org/licenses/by/4.0/>.



Disclaimer: The author/s take full responsibility for the manuscripts and their content thereof, including the veracity and accuracy of information as well as the correct and appropriate citations for all extracts made from existing work, being both published or unpublished. Moreover, the authors ensure that the articles submitted have not been published or are under consideration for publication elsewhere. The statements, opinions and data contained in this publication are solely those of the individual authors and contributors and not of the publisher and the editor(s). The publisher and the editor(s) disclaim responsibility for any injury to persons or property resulting from any ideas, methods, instructions or products referred to in the content or advertisements.

Editorial Board

Rose Marie Azzopardi (Faculty of Economics, Management & Accountancy, University of Malta)

Helen Grech (*Faculty of Health Sciences, University of Malta*) – **Editor in Chief**

Maria Pisani (*Faculty for Social Wellbeing, University of Malta*)

Isabelle Ragonesi (Faculty of Arts, University of Malta)

Managing Editor

Denitsa Markova (*Faculty for Social Wellbeing, University of Malta*)

Advisory Board

Dimitris Christopoulos (*Department of Political Science and History, Panteion University, Greece*)

Russell King (*Sussex Centre for Migration Research – SCMR, University of Sussex, UK*)

Sandra Levey (*Communication Department, Lehman College, New York, USA*)

Camille Schmoll (EHESS Paris, Géographie-cités and Institut Convergences Migrations, France)

Vicki Squire (*Department of Politics and International Studies, University of Warwick, UK*)

Nikos Trimikliniotis (*School of Humanities and Social Sciences, University of Nicosia, Cyprus*)



Mediterranean Journal of Migration

Volume 2: Issue 1

FOREWORD.....	5
EDITORIAL.....	6
THE CRISIS OF MIGRATION: A POLICY CRISIS?.....	9
MARY GRACE VELLA  ^A	9
CONSTRUCTION OF IDENTITY AND TRANSNATIONALISM: A JOURNEY WITH MIGRANTOUR.....	26
LAURA CAPPAL ^A , VIVIANA PREMAZZI  ^B	26
FROM COLONISED TO COLONISER: MALTA'S MIGRANT DETENTION PRACTICES AS A MANIFESTATION OF STATE VIOLENCE.....	40
BETHANY CACHIA 	40
'A' IS FOR ALIEN, BUT ALSO ALBANIAN: NEGOTIATING IDENTITY WHEN MIGRATING TO MALTA: AN AUTOETHNOGRAPHY.....	59
ESTELA RAMA 	59
EXPLORING THE REPRESENTATION AND INTERPRETATION OF MIGRATION IN MUSEUMS WITH A FOCUS ON OBJECTS, DISPLAYS, AND NARRATIVES.....	78
JOHN VELLA 	78
MIGRANTS' COMMUNICATION WITH LOCAL PEOPLE IN THE RECEIVING COUNTRY: EXPERIENCES AND APPROACHES IN MALTA.....	98
SEYMA ESIN ERBEN  ^A , GORG MALLIA  ^B	98
JUDICIAL PROTECTION IN IMMIGRATION DETENTION: CHALLENGES AND SOLUTIONS IN THE MEDITERRANEAN REGION OF THE EUROPEAN UNION.....	113
ALEXIS GALAND 	113



Foreword

Welcome to the second volume of the *Mediterranean Journal for Migration*. As migration scholars, we analyse, problematise, and critique the discourses, narratives, and imaginaries surrounding migration, as produced by states and other actors, and in this instance, we focus on research related to migration and the Mediterranean. The contributions in this volume examine migration through political debates, legal frameworks, cultural and personal narratives, and historical memory. They also navigate the evolving terrain of migration studies; this is a field that continues to resist easy definitions and to study current challenges. This surely calls for interdisciplinary insight.

This volume stands as a testament to both continuity and change. We remain dedicated to improvement and growth and are energised by the new voices and perspectives that have joined us.

A big thank you goes to the authors and reviewers. We hope that this issue will be enlightening to readers and that it provides food for thought, reflection and the motivation to remain curious and updated in the light of Migration in the Mediterranean.

Helen Grech, Ph.D.
Editor-in-Chief
Mediterranean Journal for Migration
Malta, November 2025



Editorial

The Mediterranean remains a site of profound contradictions, where the politics of inclusion and exclusion, belonging and disposable lives are laid bare. In this historical moment, the sea is a frontier of violence, where the rhetoric of human rights meets the might of border control, all too often with deadly ramifications. Barely making a single headline, the humanitarian crisis continues to unfold across the Mediterranean waters, where policies of deterrence and control are inscribed onto the bodies of those who are forced to move under conditions not of their choosing. In this sense, the Mediterranean Sea is a political project - one that reproduces racialised hierarchies of humanity through its practices of surveillance, detention, and denial.

Yet within and against this violence, other narratives emerge: resilience, creativity, new and evolving relationships, friendships, and hope. The Mediterranean is also a sea of connections, of ongoing trade, of encounters and sharing, evolving narratives and memories. The seven articles gathered in this issue bear witness to these contradictions, interrogating the space critically, not merely as a geographical locus of migration but as a historical, discursive and political construct that is baked into the materiality of everyday lives.

While several contributions in this issue interrogate the structures of border governance, state violence, and policy contradictions that deepen the humanitarian crisis, others turn our attention to practices of intercultural dialogue, the forging of new identities, and the creative reimagination of belonging. Taken together, the seven articles in this issue invite us to understand and know the Mediterranean Sea as a border of violence where bodies and lives are violated, and as a space of encounter, memory, and endless possibilities.

In the first paper, Mary Grace Vella exposes the myth of the rational, linear policy cycle that continues to dominate European migration governance. Vella posits migration as a “wicked problem” - a phenomenon that cannot be contained within traditional policy frameworks. Through its critique, it reveals the performative nature of “evidence-based” policymaking, which often serves as a legitimising veneer for decisions grounded in political expediency rather than humanitarian commitment. What emerges is a portrait of a policy crisis - one that is both a crisis of policy and a crisis produced by policy. The Mediterranean becomes the site where neoliberal rationalities of efficiency and control collide with the lived realities of human movement. Piecemeal interventions, contradictory legislative instruments, and the cyclical invocation of “emergency” all point to a system that sustains, rather than resolves, precarity. The paper reminds us that the gap between policy and practice is not accidental but structural: it is the outcome of a governance model that privileges border securitisation over solidarity, and the protection of Europe’s imagined integrity over the protection of human life.

If external border policies produce distance and suffering, the second article calls for proximity and encounters. Viviana Premazzi explores the work of the Migrantour network and the role of “intercultural companions” who weave together autobiographical testimonies and historical memory, situating identity as an act of narration. Migration, in this framework, is not a rupture but a dialogue. The intercultural companions become storytellers and mediators, challenging the dominant narratives that cast migrants as either victims or threats. The project’s power lies in its capacity to humanise through storytelling, to make visible the relationality of identities formed in movement, each unique, and yet familiar to others. Premazzi demonstrates how, in creating spaces for co-authored narratives, Migrantour gestures towards a counter-hegemonic pedagogy of solidarity.

In the third paper, Bethany Cachia takes us into the heart of the carceral state - the detention regime that has come to define Malta’s migration management system over the past two decades. Adopting a postcolonial lens, Cachia interrogates how a former colony, now positioned as Europe’s southern frontier, reproduces the very logics of domination it once endured. The detention of asylum seekers,

often under the guise of public health, emerges as an act of state violence wherein international and national human rights law obligations contrast heavily with State practice. Cachia's invocation of state violence and neocolonial governance challenges us to consider how Malta's geopolitical location - between Africa and Europe - becomes both symbolic and material. Whilst the courts may periodically recognise the illegality of detention practices, the system endures an architecture of racialised control and disciplinary power masked as necessity.

In contrast, the fourth article, authored by Estela Rama, moves from the structural to the intimate, and back to the structural, employing collaborative autoethnography to explore the identity negotiations of four members of an Albanian family who migrated to Malta. Rama's reflexive methodological choice might be described as a political act in its own right, an assertion that knowledge can be co-created, embodied, and situated. Through personal narratives of attachment, loss, discrimination and acculturation, the paper provides valuable insights into the emotional and social processes shaping identity within the Mediterranean migration context.

The fifth contribution by John Vella invites the reader to consider the politics of memory and representation through the analysis of two grassroots museums - the Musée de la Mémoire de la Mer et de l'Homme in Zarzis, Tunisia, and PortoM in Lampedusa, Sicily. The paper looks at how museums can operate at the intersection of remembrance and resistance, curating migration not simply to exhibit, but to witness, as testament. In these spaces, everyday objects and narratives of migration and migrant experiences become conduits of memory that invite important questions around "historical memory, identity and power", challenging hegemonic national narratives. In his analysis and conclusion, Vella demonstrates how such grassroots initiatives, operating outside formal power structures, create spaces that enable "understanding and compassion".

In the sixth article, authors Esin Erben and Gorg Mallia bring us back to Malta, focusing on how migrants' day-to-day experiences shape their communication approaches with local people and Maltese society. The findings of the ethnographic study offer four categories that capture migrant interaction experiences: "hesitant," "selective," "positive," and "neutral". Erben and Mallia also demonstrate how structural exclusion, including "ethnic discrimination" and online hostility, negatively affects interactions with the local population, while socio-economic status mediates access to both opportunity, voice and inclusion. The study also underscores how language, specifically proficiency in Maltese, is valued less as a bridge to inclusion and more as a bureaucratic key to access services. In this regard, communication moves beyond the linguistic and is political, demonstrating how power circulates and is reinforced through everyday encounters, shaping who is heard and who remains unheard.

Staying with Malta, this issue concludes with a paper by Alexis Galand. The European Court of Human Rights' judgement in *J.B. v. Malta* situates national practice within the broader European legal framework, exposing "systemic deficiencies" in the review of immigration detention. Galand argues that the European Court of Human Rights' judgment lays bare the structural weakness of Malta's Immigration Appeals Board, "its lack of independence, procedural inefficiencies, and limited scope of review". Yet the paper goes further, connecting these procedural shortcomings to a regional trend: the normalisation of detention as a tool of migration governance.

In the context of the EU Pact on Migration, the danger lies in institutionalising this normalisation, embedding exception within legality. Building on the analysis from the *J.P.* judgement, Galand calls for robust oversight mechanisms, but perhaps its deeper implication is that legality itself is not necessarily synonymous with justice.

Concluding Reflections: Towards a Politics of Hope

Taken together, the papers in this issue expose the entanglement of the personal and the political, the intimate and the structural, the local, the regional, and the global. They reveal a Mediterranean that is not merely a border but a mirror, reflecting the contradictions of Europe's self-image as a space of rights, while enacting practices of exclusion that betray that very promise. The policy crisis, the carceral state, the ethics of representation, the autoethnographic voice, and the communicative encounter all converge on a single imperative: to reclaim the political.

I believe this is a good place to be. To do otherwise is to remain complicit in a system that measures success by deterrence rather than dignity. The papers in this issue offer no easy solutions, but they remind us that scholarship, too, can be an act of resistance, a way of reclaiming the political imagination necessary to re-humanise migration in the Mediterranean and beyond.

Maria Pisani, Ph.D.
Chair, Mediterranean Platform for Migration



The Crisis of Migration: A Policy Crisis?

Mary Grace Vella¹  ^a

^a Department of Criminology, Faculty for Social Wellbeing, University of Malta

Abstract

This paper addresses the gap between policy development theory and practice by attempting to analyse and explain the humanitarian crisis of migration across the Mediterranean through a policy crisis. It posits migration as a 'wicked problem' which cannot simply be addressed through the traditional linear policy cycle model, which infers a direct link between policy and practice, where policy outcomes directly result from policy objectives. Through a critical appraisal of the policy development process, the paper examines the processes through which the traditional positivist theoretical model of policy development and its claims of effectiveness, efficiency, feasibility, transparency, and evidence-based rationality are despoiled by a policy crisis for the humanitarian migration crisis. This policy crisis is simultaneously characteristic of and characterised by a problematic problem definition, a dichotomy between policy and implementation, and inauthentic evidence-based practice. It is manifested by piecemeal crisis intervention, policy contradictions, and processes of both politicisation and depoliticisation, which compound the migration crisis on both the micro-individual and macro-structural level. This policy crisis underpinned by fragmentation, incongruencies and contradictions suggests more than just a discrepancy between theory and practice, demanding a critical examination of the problem and solution, a re-evaluation of the policy cycle model with its claims of objectivity, cognisance of vested interests, and subversion of the neoliberal agenda which puts profit before people and the economy over well-being and fundamental rights and freedoms. It also demands reappropriation of the theoretical, administrative, yet intrinsically political nature of policymaking in the acknowledgement that only genuine political commitment can offer a glimpse of hope for addressing the humanitarian crisis of migration by closing the gap between policy and practice.

Keywords: Migration; wicked problem; praxis; policy-cycle

Introduction: The Humanitarian Crisis of Migration

"Theory is abstracted practice, and practice is applied theory" (Haddad, 2019, para.5). Yet, while "in theory, theory and practice are the same. In practice, they are not" (Einstein, n.d., as cited in Oppliger, 2023, p. xvii). In theory, everyone has the right to life, the right to freedom from arbitrary arrest and detention, freedom of movement, and the right to seek asylum. In practice, as at the end of 2023, around 117 million people worldwide have been forcibly displaced due to conflict, persecution, and gross human rights violations, having to flee their country in protection of life, safety, and freedom (United Nations High Commissioner for Refugees (UNHCR), 2024b). In the context of these desperate trajectories, in the year 2023 alone, at least 8,565 people lost their lives during the migration flight (InfoMigrants, 2024). This death toll denotes a tragic 20 percent increase on the previous year, and the highest loss of life in the whole last decade (InfoMigrants, 2024).

¹ For correspondence: marygrace.vella@um.edu.mt

The Mediterranean Sea constitutes one of the most dangerous and deadliest migration trajectories worldwide. In 2023, Europe saw 270,180² arrivals through the Mediterranean route, with a total of 4,110 people reported dead or missing (UNHCR, 2023). This figure also represents the highest death toll on this route since 2017 (InfoMigrants, 2024). In addition, official statistics for 2023, epitomised as being “just the tip of the ice-berg” by the International Organisation for Migration (IOM), record around 5,000 migrants held in Libya’s detention facilities, with many more held arbitrarily in unofficial detention facilities, yet similarly experiencing torture, slavery, sexual abuse and extortion, and other inhumane and degrading treatment (InfoMigrants, 2023, para.1). For the large majority of displaced migrants who manage to survive these ordeals, durable solutions remain out of reach as they continue to experience discrimination, exploitation and hate crimes in countries of transit and destination.

These numbers provide a perfunctory quantification of the global asylum and migration humanitarian crisis, yet inform very little in terms of the tangible, tragic impact of this crisis on both the individual and structural levels. Still, this delusory statistical data offers a lot of food for thought on current migration policy and its output, in spite of its disregard for the lasting pain, suffering, and trauma for millions of people worldwide.

In examining the complexity of the asylum and migration crisis, with particular focus on migrants forced to adopt irregular routes or unauthorised migration across the Central Mediterranean route (from Algeria, Egypt, Libya and Tunisia to Italy and Malta), this paper presents a critical appraisal of the EU strategic framework, primarily referring to the laws and policies arising from Article 79 of the ‘Treaty on the Functioning of the European Union’ [Art 79/1 TFEU] which mandates the European Union to amongst others establish a common immigration framework for the “efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings” (Conference of the Representatives of the Governments of the Member States, 2007, p.77). The paper offers a critical examination of the traditional policy cycle and its limitations, both ideological and practical, in addressing the wickedness of the crisis. This analysis problematizes the commonly held cause-and-effect relationship between policy intentions and policy outcomes within the context of a neutral and objective policy development, implementation, and evaluation process.

Following an overview of the nature of wicked problems and the traditional policy cycle process through an empirical review of existing literature in the field, the paper adopts an evidence-based approach by appraising the disparity between policy development theory and practice with the attempt of examining the following research question: ‘Is the humanitarian crisis of migration the result of a policy crisis?’. This will be explored by problematising the dichotomy between the theoretical framework of the linear policy development cycle and its implementation on the ground through the EU strategic policy framework on irregular migration across the Central Mediterranean route.

On the grounds of this evidence-based approach, the paper presages a policy crisis characterised by:

- a problematic problem definition;
- a dichotomy between policy and implementation;
- inauthentic evidence-based practice;
- piecemeal crisis intervention over prevention and holistic proactive intervention;
- policy contradictions emerging from simultaneous push and pull factors; and
- processes of both politicisation and depoliticisation.

These problematic areas, which compound the complexity of the migration crisis on both the micro-individual and macro-structural level, call for a critical examination of the crisis to reappropriate the theoretical, administrative, and political nature of policy making.

² Arrivals comprise sea arrivals to Cyprus, Italy, and Malta, and sea and land entry to Greece and Spain (including the Canary Islands) (UNHCR, 2024a).

Migration: A Wicked Problem?

The humanitarian crisis of migration presents a wicked problem for policy development and programme implementation. Wicked problems tend to be characterised by their complexity, their multiplicity, and fluidity. Indeed, according to Rittel and Webber (1973), wicked problems are attributed to have no definitive formulation of the problem, no stopping rule, since it's difficult to know when and if a solution is final, are not defined through truth or falsity despite positive or negative attributions, and cannot be directly tested in terms of solutions since each attempt has a tangible aftermath. Moreover, every wicked problem is not only fundamentally unique but is often a manifestation of an underlying arduous issue. Apart from arising from multiple possible causes and lacking a number of potential solutions, wicked problems tend to beget, possibly more so than other kinds of problems, diverse explanations due to a wider range of subjective interpretations and perspectives.

Applying the above characteristics to the humanitarian crisis of migration across the Mediterranean and the crisis of migration in general, a wicked problem is evoked. The migration crisis is definitely multi-dimensional and multi-causal; it has multiple symptoms, multiple potential solutions, and is defined, managed, and interpreted by multiple stakeholders. It is also “unstructured, cross-cutting and relentless” (Weber & Khademian, 2008, p.337), resistant to change, and thus particularly ‘wicked’. Migration is an unstructured phenomenon because its causes and effects are difficult to “identify and model” (Weber & Khademian, 2008, p.336). It does not necessarily follow the same pattern, thus resulting in uncertainty. It is cross-cutting due to its intrinsic connections to various other problems which extend across different policy domains, and relentless due to its enduring presence and consequences on other policy areas, and thus, cannot be “solved once and for all” (Weber & Khademian, 2008, p.336). Indeed, due to its pressing time-bound concerns and ‘tipping points’ thresholds, it could easily qualify as a ‘super wicked problem’ (Levin et al., 2012, p.132).

It is multi-dimensional because, apart from being primarily a humanitarian issue, it is intrinsically linked to economic, political, legal, and social realities and carries ideological, moral, and diplomatic considerations. It is multi-causal since the root cause of migration is resultant and intrinsically linked to multiple aetiological factors, including war and conflicts, economic circumstances, environmental factors, but also ‘natural’ processes. Migration also leads to multiple symptoms, ranging from legal, economic, social, psychological, and cultural, with reciprocal impact on the macro-structural community (both in the host and country of origin) and the micro-individual personal level (both in native and migrant communities).

Migration and asylum also give rise to multiple so-called solutions as observed from the multitude of responses, ranging from humanitarian action and development aid in countries of origin, to processes of reception, detention, varied assimilation and integration models, resettlement, voluntary repatriation and deportation, as well as refoulement and push-back policies. Migration is also an issue that entails the engrossment of multiple stakeholders within both host countries and countries of origin, as well as the international community. From asylum seekers and migrants themselves, to the general public, civil society, and official entities within national governments and regional and supranational organisations, all stakeholders are important constituents of the asylum and migration crisis.

The crisis of migration thus presents us with a wicked problem, which is economically, politically, and socially complex, upholding both a macro and micro dimension through its multivariate aetiology and with impacts on both the individual and structural levels. It is fluid and constantly evolving, as evident from changing patterns in migration trends and routes and the evolution of responses to address the crisis. The migration issue is also interdependent on diverse policy areas, ranging from the economy, employment, education, crime, culture, health and physical, social, and psychological wellbeing. It is also intrinsically linked to equality, non-discrimination, and social justice and inclusion.

The humanitarian crisis of migration is enmeshed in “intransparency”, since not all of its variables are overtly apparent, and the crisis is primarily inferred through its symptoms rather than its underlying causes. It is also characterised by “polytely” due to its numerous and possible contradictory goals; “complexity” due to the intricate connectivity between different variables and dynamic processes and situational challenges; “connectivity” due to strong connections and correlations between variables which make it difficult to foresee consequences; “dynamic developments” often characterised by

unpredictable and/or worsening situations and time pressures to act, and “time-delayed effects” of consequences (Funke, 2014, pp.186-187). All these characteristics designate the migration crisis as a wicked problem-solving situation (Funke, 2014).

Given its complex ‘wickedness’ and potential devastating impact on the micro and macro level, its resolution cannot depend on crisis intervention and ad hoc measures characterised by trial and error. Indeed, addressing the crisis of migration demands comprehensive policy input and coordinated and committed action across all tiers of governance across all sectoral areas. This calls for the development and implementation of innovative and accountable policies and strategies that go beyond the linear traditional policy development cycle model. A model is needed where policy makers have “no right to be wrong” since they “are liable for the consequences of the actions they generate; [as] the effects can matter a great deal to those people that are touched by those actions” (Rittel & Webber, 1973, p. 167).

Traditional Policy Cycle

The linear policy development model, originally put forward by Lasswell (1956) and subsequently revised by various theorists such as Anderson (1975), May and Wildavsky (1978), Jenkins (1978) and Brewer and de Leon (1983) suggests that policies can be formulated through a sequential policy cycle process, whereby policies are initiated, formulated, implemented, monitored and then evaluated. This evaluation process then feeds back into the policy process to fine-tune and hone it.

This linear policy cycle process, which has evolved into the “most widely applied framework” (Jann and Wegrich, 2007, p.45), is considered to result in the development of policies, strategies, and frameworks that are effective, efficient, transparent, and evidence-based. This traditional policy development model implies that policy can be devised through a clear identification of the ‘problem’ (the ‘what’), justification for addressing the ‘problem’ (the ‘why’), and then implemented through a standardised evidence-based technocratic process (the ‘how’). As a result, such an approach is based on the conception of a cause-and-effect relationship, in the idea that through this formalised and standardised approach, policy objectives will be translated into the desired policy outcomes. It is thus fundamentally based on the notion that policy implications directly result from policy intentions, and that implemented strategic measures and outcomes are intrinsically reflective of policy aims and objectives.

An examination of current migration policies and strategies implicates, at least superficially, a direct relationship between the rationale and vision (the what and why) within the wider policy objective of addressing the crisis of migration across the Mediterranean and its strategic implementation (the how). The EU strategic framework encompasses a multitude of varied actions, including, amongst others, search and rescue operations, aerial surveillance, border control, disembarkation, right to asylum processes, reception, resettlement, and integration programmes. Such a framework is guided by various supranational tools and instruments, in particular the rights and obligations arising from Article 14 of the Universal Declaration of Human Rights (UN General Assembly, 1948), which gave rise to the 1951 Convention relating to the Status of Refugees (UN General Assembly, 1951) and its 1967 Protocol (UN General Assembly, 1967). Migration policy and programme implementation is also guided by various regional instruments such as the EU Charter of Human Rights (European Union, 2010), as well as Constitutional guarantees and other domestic legislative frameworks.

The strategy is also implemented by various actors, including the IOM, UNHCR, Frontex, the European Border and Coast Guard Agency, migrant rescue ships, and humanitarian non-governmental organisations (NGOs) and national governments. The strategy is made possible through varied funding and capacity-building initiatives, such as the Asylum, Migration and Integration Fund (AMIF), the Migration Emergency Funding Mechanism (MEFM), the European Integration Fund, the UN Development Aid Programme, and EU relocation schemes. The implementation of the strategy is governed by various specialised and overlapping processes, such as the Dublin Convention, the Common European Asylum System, and the EU Asylum Agency (EUAA). Action is coordinated by national authorities but also overseen as part of wider coordinated action, such as commitments arising from the New European Pact on Migration (European Commission, 2023). It is also implemented on a

grassroots level by various NGOs, including migrant-led advocacy groups, and embodied through the lived experiences of migrants and host communities.

This extended support system, comprising varied actions, actors, legal and funding instruments, investment and capacity building initiatives and processes, begs the question of whether this strategy is truly effective and efficient in terms of reaching its objective of preventing and addressing the humanitarian crisis of migration across the Mediterranean. Indeed, in spite of the strategic policies and actions in place, the crisis of migration remains a stark reality, with thousands of people inexorably risking and losing their lives in the process of asylum seeking and migration. Given the supposed direct link between policy and practice, with policy implications directly resulting from policy intentions, the migration crisis can thus be positioned as entailing a policy crisis unless one is set to question the genuineness and legitimacy of the policy rationale in its primary objective of preventing and addressing the humanitarian crisis.

Thus, in addition to presenting a humanitarian crisis, the crisis of migration compounds into a policy crisis. The positivist model of policy development has indeed been subject to critique on various tangible, theoretical, moral and political grounds (Dryzek 1982; Fischer & Forester, 1993; Gottweis, 2006; Lindblom 1990; Schön, 1996) since it “does not reflect the complexity of a multiform, variable, heterogenous, iterative, and conflictive process that is often unpredictable and not always explicit” (Gómez-Arias, 2019, p.8).

Despite the application of various theoretical models³, which could be employed to offer a useful explanation for migration processes, these provide little to no usefulness for averting, addressing, and redressing the stark calamity of the crisis. Indeed, apart from the fact that much theoretical work on migration “remains mired in nineteenth-century concepts, models, and assumptions” (Massey et al., 1993, p. 432), their single-causal explanation obscures the complexity and multi-factorial nature of the migration crisis. Moreover, despite this extant theoretical analysis, “there is no integrated theory on the process of international migration, but rather a set of partial theories and models that have been developed from different disciplinary viewpoints” (Eurostat, 2000, p.3), providing an incomplete analysis of the migration phenomenon.

The wicked problem of the humanitarian crisis of migration is argued to give rise to a policy crisis due to various gaps between policy development and implemented practice. As will be explored further below in the subsequent sub-sections, this policy crisis tends to be simultaneously characteristic of and characterised by various problematic areas, relating primarily to; an enigmatic problem definition, a dichotomy between policy and implementation, inauthentic evidence-based practice, piecemeal crisis intervention over holistic prevention, intervention and redress, policy contradictions defined by the presence of simultaneous push and pull factors, and a dichotomous process of politicisation and depoliticisation.

Enigmatic Problem Definition

A main fundamental issue in the linear policy cycle initiation process concerns the establishment of a clear definition and understanding of the ‘problem’ to be addressed. Without a comprehensive and holistic definition of the ‘problem’, one cannot fully appreciate its complexity and multiplicity of meaning. The question definitely gives rise to enigmatic responses, as to ‘What is the crisis?’ ‘Why is it happening?’ and ‘For whom is it a crisis?’ Above all, ‘Is it really a ‘problem’ which demands policy attention?’.

The definition of the ‘problem’ as the initiation process of the positivist policy approach implies that the problem can be objectively defined and subsequently analysed, processed, and solved through strategic action. Yet, problems do not precede, are not exterior to, and separate from policy processes (Deleon, 1994; Drey, 1984). On the other hand, the definition of the ‘problem’ is intrinsically a political

³ Including Lee’s (1966) push and pull model, Mabogunje’s (1970) systems theory of Rural-Urban migration, Zelinsky’s (1971) hypothesis of mobility transition, Harris and Todaro’s (1970) neo-classical migration model, Stark’s (1978) new economics of labour migration, Piore’s (1979) dual labour-market theory, Skeldon’s (1990) analysis of migration transitions, and Massey et al.’s (1990) cumulative causation theory.

and ideological construct (Edelman, 1988) and thus cannot be objectively defined and theorised, nor neutrally translated into strategic action. Its theorisation as a 'problem' that warrants policy attention, in itself, is a politicised decision - albeit a subjective one - which defines and demarcates the boundaries, rationale, objectives, and vested interests of the 'problem' as compared to or as opposed to other 'problem' or 'non-problem' areas.

It is indeed the multitude of varied responses to the above questions emerging from vested interests that designate migration as a wicked problem. The migration crisis means different things to different people with different ideological beliefs, experiences, and vested interests, including technocrats and policy makers on the national, European, and supranational level, politicians, citizens in both host and countries of origin, and migrants and asylum seekers themselves. From left-wing anarchists appealing for a global borderless world and full open borders, to ultra-right-wing nationalists proclaiming an insular, xenophobic, and nativist stance, asylum and migration are hailed as acts of solidarity and social justice, and vilified as an invasive plague and curse.

Migration thus presents an 'intractable policy' dispute (Shön & Rein, 1994) where the 'problem' is difficult to define and manage due to the diverse political and ideological frames of the involved actors, resulting in ongoing disputes over policy scope and legitimacy, but also more fundamental disputes on the very essence of the 'problem area'.

As acknowledged by Hoppe (2010), "in the governance of problems, problem finding deserves at least equal, and perhaps more, attention than problem solving", yet often the "legitimation of answers through a mix of rules for political authority and scientific methodology is more important than posing the right questions" (p.244). Indeed, "much policy analysis is a sophisticated answer to a wrong problem" (Hoppe, 2010, p.244). Can it indeed be the case that existing migration policy endows a 'sophisticated answer' to the 'wrong problem', or a 'wrong answer' to a 'sophisticated problem'?

Policy Implementation Gap

Policy design is based on the notion of causation (Peters, 2018) in the understanding that desired objectives can, should, and will lead to desired outcomes. Yet, there are often many barriers and obstacles as well as unpredictable outcomes in programme implementation, leading to a significant 'policy-implementation gap' (Gunn, 1978). This is evidently so in the area of asylum-seeking and migration due to its fluidity, variability, and unpredictability, which often extend or are seen to extend beyond the remit and control of national, regional, and supranational policy makers. Influenced by varied push and pull factors, this instability acts not only on the macro-structural level but also defines the personal micro-level objectives of asylum seekers themselves. Despite the evident asynchronous relationship between policy and implementation across various policy areas, including in the area of migration, this positivist causative narrative is not openly contested by conventional policy-making and implementation processes. As a result, it remains the case that the:

... normatively attractive top-down view of policy and its implementation is predicated on...a chronological order in which expressed intentions precede action; a linear causal logic whereby goals determine instruments and instruments determine results; and a hierarchy within which policy formation is more important than policy implementation (Hudson et al., 2019, p.1).

Notwithstanding the critique that such a model has received, it "still retains some popularity with policy-making authorities" (Hudson et al., 2019, p.1).

Yet, reality shows that there is not an explicit relationship between policy objectives and policy outcomes, since "the factors that shape and influence implementation are seen to be complex, multifaceted and multileveled" (Hudson et al., 2019, p.1). Rather than a direct collinear association between policy objectives and outcomes, "the whole life of policy is a chaos of purposes and accidents. It is not at all a matter of the rational implementation of the so-called decisions through selected strategies" (Clay & Schaffer, 1984, p.192). Moreover, "the dichotomy between policy-making and implementation is dangerous. That is because it separates the 'decision' from the 'implementation' and

thus opens up 'escape hatches' through which policy makers can avoid responsibility" (Atieno, 2009, p.11).

Moreover, recognition is more likely to be given to policymakers for the introduction of legislative developments rather than the avoidance of implementation problems (Hudson et al., 2019). Thus, since the "political will necessary to drive long-term policy-making tends to dissipate over time" (Hudson et al., 2019, p.4), the policy-implementation gap is easily disowned as "someone else's problem" (Weaver, 2010, p.5). Could this, in effect, be happening in the case of the humanitarian crisis of migration?

Inauthentic Evidence-Based Practice

Effective policy development and implementation depend on evidence-based practice. Yet, despite the theoretical emphasis made on evidence-based policy, there is often no explicit relationship between knowledge and policy (Lindblom, 1990). Indeed, in the area of migration, "many policies...directly contradict what the available 'evidence' suggests" (Juntti et al., 2009, p.207). A case in point is the attributed success of the border control and the externalisation of EU migration policy which has been repeatedly criticised not only for its ineffectiveness in reducing the 'influx' of asylum seekers but also for leading to increased vulnerability to human trafficking and smuggling, as well as to severe violations of fundamental rights and freedoms, including the right to non-refoulement (Cusumano, 2019; Giuffré, 2020; Mainwaring & De Bono, 2020; Palm, 2017). This persistence to pursue such securitisation approaches despite widespread evidence of ineffectiveness and failure has indeed led to a significant gap in implementation in EU migration policy (Caponio and Cappiali, 2018).

Policy development in the area of migration and asylum demonstrates limited genuine consideration of the experiential knowledge of stakeholders, in particular asylum seekers themselves and humanitarian NGOs and entities who advocate on behalf of and/or work directly with those who are most directly affected by the crisis. Indeed, migration policy is often characterised by 'high politics' but 'closed policy making', whereby decisions are taken by a limited elite group and little consideration is given to experiential knowledge.

Public policy in the migration sector also tends to be characterised by limited reflective practice, such that the same 'mistakes' are repeatedly committed over and over again. A case in point is the repatriation and refoulement of asylum-seekers to unsafe ports in transit countries despite the evident dangers to life and gross human rights violations (Crawley et al., 2018) and the destitution of migrants in distress at sea and denial of disembarkation. Thus, policy development in the area of asylum and migration tends to be characterised by inauthentic evidence-based practice, giving little consideration to the experiential knowledge of main stakeholders and the involvement of those who are directly impacted by the crisis. Nor does it demonstrate much attention to reflective practice and a lessons-learned approach. It thus often boils down to a technocratic diplomatic exercise. In explaining the EU's "relapse to externalised migration controls", Cusumano and Riddervold (2023, p.3025) refer to processes of path dependency whereby, faced with crises situations, policy-makers tend to assume preceding measures, "even if those solutions are not suitable or appropriate for the new problems at hand" (Cusumano & Riddervold, 2023, p.3038).

Improving policy processes and outcomes heavily relies on the appreciation of policy failure (Volker, 2014), since examining the underlying cause of ineffectiveness is conducive to the adoption of alternative solutions. While "failure is rarely unequivocal and absolute" since even policies renowned as being "classic policy failures" led to "small and modest successes" (McConnell, 2015, p.231), this small and modest success is contestable in evaluating the 'success' of official policy measures in addressing the crisis of migration. Indeed, migration policy has been criticised for being "impractical and inefficient" (Blair, 2016, p.17), as having "fallen short in their intentions" (Blair, 2016, p.91) and "failed to achieve many of its stated objectives, other than allocating on spending billions of euros" (Blair, 2016, p.90).

Piecemeal Crisis Intervention

Apart from “drawing on already established albeit ineffective and contentious policy tools”, (Cusumano & Riddervold, 2023, p.3024), migration policy is scattered over many legal and policy instruments based on national, European, and supranational agendas. Humanitarian migration policies address both immediate and longer-term goals, ranging from ‘prevention’, emergency and crisis intervention to long-term integration and resettlement measures, covering both internal and external dimensions. However, in defining migration primarily as a security issue, the EU migration policy focuses on restricting the entry of migrants through an “agenda of criminalisation on the one hand and containment on the other” (Baldwin-Edwards et al., 2019, p.2144). The EU’s management of migration through its externalisation policy arising through for example the establishment of the EU-Turkey Deal (Council of the European Union, 2016) led to the curtailment of main transit routes into Europe (e.g.: Libya and Turkey), in effect blocking flows to Europe and pushing desperate asylum seekers and migrants towards the use of more perilous migration routes (Sedou et al., 2020), rather than addressing the ‘root’ sources of involuntary migration in emigratory countries (Baldwin-Edwards et al., 2019).

Indeed, despite the fact that the crisis is primarily of a humanitarian nature, it “has been addressed through an intergovernmental prism, which seems to be conducive to a particular” securitarian perspective (Toucas, 2008, p.8), such that its key response is typified by crisis rather proactive measures with the aim of addressing the root causes of asylum and migration.

Thus, EU initiatives mainly address the symptoms of migration, while its root cause is rarely placed within the macro-historical structural context of global inequality, colonialism, and the exploitative labour power of capitalist production. Although falling under EU common policy, member states uphold subsidiarity in the national implementation of migration policy (EU Parliament, 2019). Notwithstanding the New Pact (2023) introduced to strengthen solidarity mechanisms and ‘burden sharing’ amongst countries, EU migration policy remains characterised by “its lack of solidarity, effective collaboration and unity among EU Member States” (Blair, 2016, p.58). Through its ‘flexible’ solidarity mechanism, the Pact on Migration and Asylum has been criticised as offering “a halfway solution” which does not provide an enduring management of existing challenges, but instead “perpetuates a security-oriented approach that leaves human rights protection at the EU borders” (Di Nunzio, 2023, p.50). The Pact has led to the consolidation of the externalisation of the EU’s migration policy as it increased “responsibility-shifting” to third countries with poor human rights records (De Leo & Milazzo, 2024, p.16), with severe detrimental impact on the “well-being and agency” (Häkli et al., 2024, p.12) of migrants, particularly the most vulnerable. As a result of inadequate ‘workability’, “gaps between policy and practice are likely to quickly re-emerge” (de Castro, 2024, p.37). Migration policy is also devised and implemented by varied actors and stakeholders involved through different organisational missions in the various disparate, if not conflicting goals of migration policy, from search and rescue to integration and repatriation, with no underlying design that “connects actors vertically and horizontally in a process of collaboration and joint deliberation” (Ansell et al., 2017, p.475). The extent of this dystopian ‘collaborative’ practice is evidenced through the criminalisation of humanitarian search and rescue organisations by some governments, prosecuting them on par with smugglers and human traffickers, rather than acknowledging their added value in complementing official search and rescue operations (Perkowski & Squire, 2019). Migration policy is thus characterised by piecemeal crisis intervention rather than holistic intervention and prevention.

Policy Contradictions

The migration crisis is characteristic of and characterised by a number of policy contradictions as it is increasingly defined and shaped by the global forces of neoliberalism, which pose simultaneous push and pull factors.

Migrants are concurrently pushed and pulled across the Mediterranean and Europe by myriad forces (European Asylum Support Office, 2016). Indeed, on both the macro and micro levels, there is often a very fine line between forced and voluntary forms of migration. This demands “moving beyond the sharp dichotomisation between forced and ‘economic migration’ that is typically found in mainstream debates”

and “acknowledge the systematic composition to sell one’s labour power that sits at the heart of capitalist accumulation and which encompasses all migrants – including those displaced by war, conflicts or other disasters” (Hanieh, 2019, p.56).

Europe’s demographic ageing, envisaging a drastic decline in the working age population by 2025 (United Nations Development Programme (UNDP), 2009), along with its economic and employment agenda, requires an influx of labour power to fill in the existing market gaps. Demands for cheap labour (European Migration Network, 2011) often within the black-market economy, thus act as pull factors for both economic and humanitarian migration. Moreover, the European armaments industry is intrinsically linked to military and security, profits “on both sides of the refugee tragedy” (Akkerman, 2016, p.44). Through vending weapons that enable and incite repression, war, and conflicts in various asylum seekers’ countries of origin, this industry violates human rights but also stifles long-term development in these countries, further fuelling displacement (Stohl & Grillot, 2013). The industry simultaneously prospers from lucrative deals arising from the securitisation and militarisation of border controls, which strive to keep asylum seekers out of Europe. The arms industry indeed receives significant backing as EU countries continue to be “very reluctant, to say the least, to impose stricter arms export policies” (Akkerman, 2016, p.44) on war-torn countries or dictatorial regimes.

Migration is intrinsically linked to free trade and globalisation processes, and “as the flow of material and cultural goods and services accelerates over time and through space, human beings also become an important component of this exchange” (Keogan, 2011, p.221). Yet, this relationship is characterised by an inherent contradiction, on the one hand, promoting “policies that encourage economic integration with other nations while, at the same time, attempting to curtail the exchange of people” (Keogan, 2011, p.230).

This results in a situation where the “political logic of democratic nation-states pushes towards restrictiveness, while the economic logic of global market liberalisation pushes for openness towards immigration” (Natter, 2018, p.20). This ‘liberal paradox’ or ‘embedded liberalism’ according to Hollifield (1992) can help to explain why politicians’ discourse and rhetoric about migration are more repressive than the actual implemented policies. It could also be utilised to explain the progressive adoption of selective migration by recipient countries (Koslowski, 2014), with economic interests overriding humanitarian concerns. Through this selectivity, “migration has been increasingly commodified” (De Haas et al., 2018, pp.353-354), as it becomes framed within a ‘utilitarian’ discourse of economic ‘value’. In this context, “borders function as filters, rather than as impenetrable barriers” (Hanieh, 2019, p.62). Indeed, concurrent to the adoption of draconian measures towards asylum-seeking, including destitution at sea, repatriation and push-back policies, and the sustained externalisation of EU migration policy, “‘capitalist migration’ has become not only normalised but also actively encouraged” as attested by the “widespread proliferation of Citizenship by Investment Programmes which, allow the direct purchase of residency rights and a fast-track to citizenship for those able to afford it” (Hanieh, 2019, p.58). Thus, from this perspective, apparent manifestations of absolute and austere border policies may be deceptive as they disregard “the ways that borders act fundamentally as generators and markers of difference and inequality, not as absolute blocks of mobility” (Hanieh, 2019, p.62).

Through such processes of assimilating migration within the global economy, the policy contradictions of addressing humanitarian issues through a securitisation model are engulfed within the normalisation of the wider contradictions of capitalism, where “migration is both generated by processes of global accumulation and simultaneously constitutive of the concrete forms of class and capital that exist throughout a highly internationalised world market” (Hanieh, 2019, p.57). Despite these macro-structural global processes, migration however remains often conveniently envisioned by policy-makers “from the vantage point of territorialized silos of individualized choice” (Hanieh, 2019, p.54).

De/Politicisation: A Re-politicisation?

Migration policy is politically controversial. Curbing ‘illegal’ migration is a buzzword in both national and international political discourse. It features in electoral agendas and partisan propaganda, fuelling xenophobic discourse and agendas. Some indeed would say that the issue has become too politicised

and needs “depoliticizing” (Foucher, 2018, para.9). Whilst the politicisation of the migration crisis tends to shroud its human rights narrative in partisan terms, in the process fuelling rightist, nationalistic and xenophobic sentiments, yet at the same time, its depoliticisation poses a number of challenges for adequately addressing the crisis of migration and its accompanying policy crisis. Indeed, through depoliticisation practices, policy processes become more opaque and less transparent (Brown, 2015). Through ‘political technology’, the issue is detached from its political discourse and ideological and partisan connotations and reassigned to the ‘neutral’ language and processes of science, law, and the economy (Foucault, 1980).

The state is presented and conceived as a neutral arbiter instead of a political device. The positivist approach of policy development creates a distance between policy makers and those affected, in the process absolving policy makers from responsibility for outcomes. Through such depoliticisation processes, decisions “become naturalized, presented...as forms of rationalization partly inevitable and desirable” especially in times of crisis/roll-out (De Nardis, 2017, p.347). A case in point is when, in 2020, asylum seekers in distress were left stranded at sea for a prolonged period of time and prohibited from disembarking in Malta. The political decision was rationalised as a health preventative measure in the context of COVID-19 and extolled as an ‘inevitable desirability’ (Tazzioli & Stierl, 2021).

Indeed, the “framing of the migration management as a ‘crisis’ has been used to justify extraordinary and exceptional measures” characterised by “rapid, informal and flexible policy instruments” in violation of the rule of law and fundamental rights and freedoms (Baldwin-Edwards et al., 2019, p.11). The migration crisis is thus characterised by both politicisation and depoliticisation, with political decisions being framed in objective terms through positivist policy-making processes and with policy-making processes justifying political discourse and interests.

The above discussion provides a number of reflections for addressing the policy crisis of the humanitarian crisis of migration. A main acknowledgement is that policy-making is theoretical, administrative, but intrinsically political (Yeatman, 1990). Thus, despite the administrative and theoretical knowledge of effective policy development processes, it is first and foremost a political process that defines and manages an ideological, moral viewpoint through a partisan electoral lens of vested interests. Indeed, policymaking is “neither objective nor neutral; it is an inherently political process” (Sutcliffe and Court, 2005, p.iii).

Policy Crisis: A Critical Examination?

The success of migration policies has been widely criticised for their “failure to steer immigration and their hypothesised unintended, counterproductive effects” (de Haas, 2011, p.2), so much so that the crisis of migration presents a policy crisis, characterised by fragmentation, incongruencies and contradictions.

The migration crisis is indeed characterised by all three policy gaps identified by Czaika and de Haas (2013) as explanations for perceived or real policy failure. It is characterised by the ‘discursive gap’ due to the substantial gap between the discourse and rhetoric promoted by policy makers and actual policy, the ‘implementation gap’ between written policies and their implementation, and also by an ‘efficacy’ gap, arising from the envisaged outcomes and actual impact of the policy (de Haas, 2011). Such gaps grow wider and further apart with each successive stage in policy development and programme implementation as policy outcomes increasingly mismatch their desired and rhetorical objectives. In acknowledgement that this widening gap may be the direct result of the fragmentation, incongruence, and contradictions inherent within the policy crisis, “it is not enough to be aware of the policy-implementation gap; [but] we need better ideas on how to fix it” (Hudson et al., 2019, p.12).

It is thus pivotal for policy development and implementation processes to become integrated processes rather than fragmented, separate phases (Ansell et al., 2017). Addressing this policy crisis demands a critical examination of its various dimensions, through a deconstruction of existing narratives and discourses of the ‘problem’ and ‘solution’ of migration, with the aim of reconstructing a new and more inclusive narrative which appreciates the complexity, multiplicity, and inter-relationships of these problems and solutions. It also demands a policy development and programme implementation model

considerate of processes of 'nonlinearity', 'unpredictability', and 'adaptability' (Braithwaite et al., 2018). These problems and solutions need to be re-examined primarily within the context of a humanitarian policy lens rather than an economic, diplomatic, or securitisation issue.

In addition to the framing of the 'problem' and 'solution', critical examination needs to be undertaken with regard to the application of the positivist policy cycle model with its claims of objectivity, rationality, and neutrality. Framing the policy development process as resulting from a neutrally designed standardised procedure wrongly suggests that the process is also transparent, fair, and just. It thus neutralises its political underpinnings through positivist objectivist discourse and shrouds it in 'scientific' terms, thereby presenting it as the only plausible, rational, and effective approach. This positivist approach, backed by empirical evidence generally based on official data, existing neoliberal overarching policies, and prevalent discourses of the crisis of migration, reflects and at the same time reproduces existing discourses and narratives of the migration crisis problem and solution. This sustains the view that the crisis of migration could be analysed and 'solved' independently of politics and ideology. The scientification of the process, based on deductive reasoning, attempts to legitimise the problem and solution by justifying the policy-implementation gap through a theory-testing /experimentation went wrong approach, as exceptions rather than the rule. Yet, each and every person is a unique experiment and exception in migration: those who had to flee for humanitarian, economic, and environmental reasons, those who have been indiscriminately detained, those who have been abused, raped, and exploited, and all those who have lost their lives or their loved ones in transit. Each person is an exception that makes the rule – a crisis of migration characterised by xenophobia, racism, discrimination, and exploitation.

Policies of immigration are shaped by "the dialectic between interests, institutions, and ideas evolving at the intersection of domestic and international spheres" (Natter, 2018, p.5). As a result, addressing the crisis of migration demands full acknowledgement of its discursive political nature and the multiple vested interests of varied actors and institutions.

Hudson et al. (2019, p.2) refer to four main contributing factors to policy failure: exceedingly optimistic expectancies; dispersed governance; insufficient collaboration; and failure arising from the 'vagaries' of political cycles. Whilst all these factors are main contributors to the migration policy crisis, significant failure arises from the depoliticisation of the migration crisis.

The depoliticisation of the crisis of migration is evident from the fact that, despite acknowledgement of the various factors that might trigger migration, the crisis is generally and largely portrayed as an unprompted self-occurring phenomenon. Indeed, the various factors explaining migration tend to confirm this abstracted and uncontextualised, yet unnaturalised process. Even when explained through economic terms via push and pull factors or framed through humanitarian discourse, the migration crisis is presented as a non-politicised process, primarily defined and targeted through its impact rather than its underlying root causes. The crisis of migration is not officially postulated within the contextualisation of the neoliberal agenda, which puts profit before people and elevates capital over fundamental rights and well-being. This, despite evidence that migration is intrinsically resultant from "capital accumulation and the hierarchies that sustain it, including features such as imperialist war, economic and ecological crises, and the deep-seated neoliberal restructuring" (Hanieh, 2019, p.54). Yet, this fundamental recognition of the root causes of migration is generally overlooked in public discourse on migration since it incriminates Western nations and other powerful entities in the world economy (Hanieh, 2019).

Addressing the crisis of migration thus demands a critical examination of the role played by the neo-liberal capitalist agenda of the West, which reaps profit from the armaments industry, the black-market economy, the human trafficking for its sex industry, and the exploitation and precarious employment of irregular and illegalised migrants. Immigration policy is indeed characterised by 'client politics' because while its cost is dispersed amongst the general community, its benefits are largely clustered among a small elitist group (Freeman, 1995).

Asylum seekers and migrants are also required within a capitalist framework for consolidating the social strata, the creation of moral panic for fortifying support for populist agendas and offering a reserve army of labour and an easy scapegoat for when things go awry. The superior 'us' and inferior 'them' dichotomy implicit in the neoliberal policy agenda perpetrates the colonial mentality of divide, rule, and

conquer. Within the context of this contemporary capitalist framework characterised by inequitable development, migrants are simultaneously pushed and pulled by capital, where “the ‘pull’ is casually linked to the ‘push’ (and vice-versa) in a mutually reinforcing process” (Hanieh, 2019, p.54).

Within a neo-liberal agenda, everything becomes profitable - saving people in distress through search and rescue and humanitarian operations or safeguarding the native population from the ‘influx’ of ‘illegal’ migration through push-backs, repatriation, and detention, but also through ‘positive’ integration and assimilation processes. Irrespective of their contradictory posits, all policies, though the right media spins and political discourse serve the electoral agenda and its vested interests, i.e., capital. Whilst offering policy-makers ‘escape hatches’ from responsibility (Clay & Schaffer, 1984), the humanitarian migration crisis points to the fact that, unfortunately, migration policies are little more than “dramaturgical acts aimed at national and world audiences” to make them “appear more modern and civilized” (FitzGerald & Cook-Martin, 2014, p.21).

Through the issue of migration, “interest led policymaking” has indeed led to the creation of “a convenient crisis” (Baldwin-Edwards et al., 2019, p.2148), enabling national governments and the EU to expand their competencies, without due demonstration of competency. The framing of migration as a crisis is thus being utilised as a means to “further deepen neoliberal market-led development models” (Hanieh, 2019, p.53)

As managerialism has taken over public policy, policies on humanitarian migration become de facto anti-immigration policies, as their ultimate main objective is that of deterring and pushing away asylum-seeking migration. At the same time, integration policies become market policies that pull and push migrants from their country of origin for their assimilation and exploitation in the host community labour market. The contradictions of capitalism indeed enable the reconciling of framing migration as a problem in discourse, whilst exploiting it as a resource in practice.

Within the context of this hegemonic power of neoliberal capitalism (Gramsci, 1971), which extols discourses of human rights and freedoms in theory but normalises and supports social strata and exploitation in practice, unfortunately, the crisis of migration will remain a humanitarian crisis as long as its policy crisis embedded in positivist models of rationality is not equally and unequivocally resolved. Thus, in addressing the crisis of migration, “there is an absolute need for self-awareness and self-criticism in policy-making processes...all is to be questioned. Nothing is to be taken for granted. Nothing is innocuous” (Clay & Schaffer, 1984, p.192).

It is indeed this false impression of innocuity that makes policy such a dangerous weapon in the hands of those who hide behind its benevolent façade, their total disregard for human life!

References

- Akkerman, M. (2016). Border wars: the arms dealers profiting from Europe's refugee tragedy. Transnational Institute and Stop Wapenhandel.
- Anderson, J.E. (1975). *Public Policymaking*. Praeger.
- Ansell, C., Sørensen, E., & Torfing, J. (2017). Improving Policy Implementation through Collaborative Policymaking. *Policy & Politics*, 45(3): 467–486.
<https://doi.org/10.1332/030557317X14972799760260>
- Atieno, O. P. (2009). Dichotomy between educational policy-making and implementation in Kenya. *Problems of Education in the 21st Century*, 12, 9-14.
- Baldwin-Edwards, M., Blitz, B. K., & Crawley, H. (2019). The politics of evidence-based policy in Europe's 'migration crisis'. *Journal of Ethnic and Migration Studies*, 45(12), 2139-2155.
- Blair, M. (2016). An analysis of the migration policies of the European Union and their effectiveness in managing the current migration crisis [Master's thesis, Concordia University – Portland]. CU Commons.
https://digitalcommons.csp.edu/cgi/viewcontent.cgi?params=/context/cup_commons_grad_ids/article/1002/&path_info=viewcontent.cgi
- Braithwaite, J., Churrua, K., Long, J. C., Ellis, L. A., & Herkes, J. (2018). When Complexity Science Meets Implementation Science: A Theoretical and Empirical Analysis of Systems Change. *BMC Medicine*, 16(63). <https://doi.org/10.1186/s12916-018-1057-z>
- Brewer, G., & deLeon, P. (1983). *The Foundations of Policy Analysis*. Brooks, Cole.
- Brown, W. (2015). *Undoing the Demos: Neoliberalism's Stealth Revolution*. New York: Zone Books.
- Caponio, T., & Cappiali, C. (2018). Italian Migration Policies in Times of Crisis: The Policy Gap Reconsidered. *South European Politics and Society*, 23(1), 115-132.
- Clay, E., & Shaffer, B. (1984). *Room for Manoeuvre: An exploration of public policy in agricultural and rural development*. London: Heineman.
- Conference of the Representatives of the Governments of the Member States. (2007, December 13). Consolidated version of the Treaty on the Functioning of the European Union (2008/C 115/01). European Union. <https://www.refworld.org/legal/agreements/eu/2007/en/97880>
- Council of the European Union. (2016, March 18). EU-Turkey statement. <https://www.refworld.org/policy/statements/council/2016/en/114316>
- Crawley, H., Düvell, F., Jones, K., McMahon, S., & Sigona, N. (2018). *Unravelling Europe's 'Migration Crisis': Journeys Over Land and Sea*. Bristol: Policy Press.
- Cusumano, E. (2019). Migrant Rescue as Organized Hypocrisy: EU Maritime Missions Offshore Libya Between Humanitarianism and Border Control. *Cooperation and Conflict*, 54(1), 3-24.
- Cusumano, E., & Riddervold, M. (2023). Failing through: European migration governance across the central Mediterranean. *Journal of Ethnic and Migration Studies*, 49(12), 3024-3042.
<https://doi.org/10.1080/1369183X.2023.2193713>
- Czaika, M., & De Haas, H. (2013). The effectiveness of immigration policies. *Population and Development Review*, 39(3), 487-508.
- de Castro, R. B. (2024). Europe in the world in 2024: From voting to geopolitics. European Policy Centre. https://www.epc.eu/content/PDF/2024/2024_Outlook_Paper_v8.pdf.
- De Haas, H. (2011). The determinants of international migration: Conceptualising policy, origin and destination effects. Working Paper, Paper 32. International Migration Institute, Oxford Department of International Development, University of Oxford.
<https://www.ilo.org/dyn/migpractice/docs/225/Determinants.pdf>
- De Haas, H., Natter, K., & Vezzoli, S. (2018). Growing restrictiveness or changing selection? The nature and evolution of migration Policies. *International Migration Review*, 52(2), 324-367.

- De Leo, A., & Milazzo, E. (2024). Responsibility-Sharing or Shifting? European Policy Centre. https://d1xp398galq39s.cloudfront.net/content/FEPS-Policy_Study_-_New_Pact_External_Dimension_-_PP25.pdf
- De Nardis, F. (2017). The concept of de-politicization and its consequences. *Partecipazione e conflitto*, 10(2), 340-356.
- Deleon, P. (1994). Reinventing the policy sciences: three steps back to the future. *Policy Sciences*, 27(1), 77- 95.
- Di Nunzio, P. (2023). The crisis of the Common European Asylum System: rethinking solidarity in light of Human Rights. *UNIO – EU Law Journal*, 8(2), 40–50. <https://doi.org/10.21814/unio.8.2.4760>
- Drey, D. (1984). *Problem Definition in Policy Analysis*. Lawrence: University of Kansas Press.
- Dryzek, J.S. (1982). *Policy Analysis as a Hermeneutic Activity*. *Policy Sciences*, 14, 309-329.
- Edelman, M.J. (1988). *Constructing the Political Spectacle*. Chicago: The University of Chicago Press.
- European Asylum Support Office (2016). The Push and Pull Factors of Asylum-Related Migration: A Literature Review. Maastricht University and the Global Migration Data Analysis Centre of the International Organization for Migration.
- European Commission. (2023). A new pact on migration and asylum: state of play. Publications Office of the European Union. <https://data.europa.eu/doi/10.2775/533852>
- European Migration Network. (2011, July 8). Satisfying labour demand through migration: Synthesis report. https://www.emn.at/wp-content/uploads/2017/01/0_Satisfying_Labour_Demand_through_Migration_FINAL_8July2011.pdf
- European Parliament. (2019). The Migration Issue. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI\(2019\)635542_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI(2019)635542_EN.pdf)
- European Union. (2010). Charter of Fundamental Rights of the European Union. *Official Journal of the European Union* C83 (Vol. 53, p. 380). European Union.
- Eurostat. (2000). Push and pull factors of International Migration: A comparative report. Luxembourg. Office for Official Publication of the European Communities. <https://op.europa.eu/en/publication-detail/-/publication/90913700-dbbb-40b8-8f85-bec0a6e29e83>
- Fischer, F., & Forester, J. (1993). *The Argumentative Turn in Policy Analysis and Planning*. Durham, NJ: Duke University Press.
- FitzGerald, D.S., & Cook-Martín, D. (2014). Culling the masses: The democratic origins of racist immigration policy in the Americas. Cambridge: Harvard University Press.
- Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. Pantheon Books.
- Foucher, M. (2018). Depoliticising migration. *Progressive Post*. <https://progressivepost.eu/focus/depoliticising-migration>
- Freeman, G.P. (1995). Modes of immigration politics in liberal-democratic states. *International Migration Review*, 29(4):881–902. <https://doi.org/10.2307/2547729>
- Funke, J. (2014). Solving complex problems: Exploration and control of complex systems. In R.J. Sternberg, & F.A. Frensch (Eds.), *Complex problem solving* (pp. 185-222). Psychology Press.
- Giuffré, M. (2020). *The Readmission of Asylum Seekers under International Law*. Oxford: Hart.
- Gómez-Arias, R. D. (2019). Public Policies Between Theory and Practice. *Ánfora*, 26(46).
- Gottweis, H. (2006). Rhetoric in Policy Making: Between Logos, Ethos, and Pathos. In F. Fischer, G.J. Miller & and M.S. Sidney (Eds.), *Handbook of Public Policy Analysis: Theory, Politics and Methods*. (pp. 237-250). Taylor & Francis.
- Gramsci, A. (1971). *Selections from the prison notebooks*. Trans. and ed. Q. Hoare and G. N. Smith. New York: International Publishers.
- Gunn, L. A. (1978). Why is Implantation so Difficult? *Management Services in Government*, 33, 169–176.

- Haddad, D. (2019, August 2). Understand the Difference between Theory and Practice. NonProfitPRO. <https://www.nonprofitpro.com/post/understand-the-difference-between-theory-and-practice/>
- Häkli, J., Kudžmaitė, G., & Kallio, K.P. (2024). Devaluing personhood: The framing of migrants in the EU's new pact on migration and asylum. *Transactions of the Institute of British Geographers*, 00, 1–15. <https://doi.org/10.1111/tran.12676>
- Hanieh, A. (2019). The contradictions of global migration. *Socialist Register*, 55, 50-78.
- Harris, J. R., & Todaro, M. P. (1970). Migration, unemployment and development: A two-sector analysis. *American Economic Review*, 60(1), 126–142.
- Hollifield, J. F. (1992). Migration and international relations: Cooperation and control in the European Community. *International Migration Review*, 26(2), 568-595.
- Hoppe, R. (2010). *The Governance of Problems: Puzzling, Powering and Participation*. Bristol: Policy Press.
- Hudson, B., Hunter, B., & Eckham, S. (2019). Policy failure and the policy-implementation gap: Can policy support programs help? *Policy Design and Practice*. 2(1), 1–14. <https://doi.org/10.1080/25741292.2018.1540378>
- InfoMigrants. (2023, March 9). IOM: thousands of migrants suffering in Libyan detention centers. <https://www.infomigrants.net/en/post/47375/iom-thousands-of-migrants-suffering-in-libya-detention-centers>
- InfoMigrants. (2024, March 7). UN says 2023 deadliest year for migrants in a decade. <https://www.infomigrants.net/en/post/55663/un-says-2023-deadliest-year-for-migrants-in-a-decade>
- Jann, W., & Wegrich, K. (2007). Theories of the policy cycle. In F. Fischer, G.J. Miller & and M.S. Sidney (Eds.), *Handbook of Public Policy Analysis: Theory, Politics and Methods* (pp. 43-62). Taylor & Francis.
- Jenkins, W.I. (1978). Policy-Analysis. A Political and Organisational Perspective. Martin Robertsen.
- Juntti, M., Russel, D., & Turnpenny, J. (2009). Evidence, politics and power in public policy for the environment. *Environmental Science & Policy*, 12(3), 207-215.
- Keogan, K. (2011). International Migrants and Globalization: Contradictions, Conflict, and Unintended Consequences in S. Parashar and Y. Wang (Eds.) *Inequality in a Globalizing World: Perspectives, Processes, and Experiences* (pp.221-232). Kendall Hunt Publishing.
- Koslowski, R. (2014). Selective migration policy models and changing realities of implementation. *International Migration*, 52(3), 26-39.
- Lasswell, H.D. (1956). *The Decision Process: Seven Categories of Functional Analysis*. University of Maryland Press.
- Lee, E. S. (1966). A theory of migration. *Demography*, 3(1), 47–57.
- Levin, K., Cashore, B., Bernstein, S., & Auld, G. (2012). Overcoming the tragedy of super wicked problems: constraining our future selves to ameliorate global climate change. *Policy Sciences*, 45(2), 123-152.
- Lindblom, C. (1990). *Inquiry and Change: The troubled attempt to understand and shape society*, New Haven: Yale University Press.
- Mabogunje, A. L. (1970). Systems approach to a theory of rural-urban migration. *Geographical Analysis*, 2(1), 1–18.
- Mainwaring, C. & De Bono, D. (2020). Criminalizing Solidarity: Search and Rescue in a Neo-Colonial Sea. *Environment and Planning C: Politics and Space*. <https://doi.org/10.1177/23996544209793>
- 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*, 19(3), 431–466.
- May, J.P., & Wildavsky, A. (ed.) (1978). *The Policy Cycle*. Sage.

- McConnell, A. (2015). What Is Policy Failure? A Primer to Help Navigate the Maze. *Public Policy and Administration*, 30(3-4), 221–242.
- Natter, K. (2018). Rethinking immigration policy theory beyond 'Western liberal democracies'. *Comparative Migration Studies*, 6(4) 1-21. <https://doi.org/10.1186/s40878-018-0071-9>
- Oppliger, R. (2023). *SSL and TLS: Theory and Practice*. Artech House.
- Palm, A. (2017, 2 October). The Italy-Libya Memorandum of Understanding: The baseline of a policy approach aimed at closing all doors to Europe. *EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/>
- Perkowski, N. & Squire, V. (2019). The Anti-Policy of European Anti-Smuggling as a Site of Contestation in the Mediterranean Migration 'Crisis'. *Journal of Ethnic and Migration Studies*, 45(12), 2167–2184.
- Peters, B.G. (2018). *Policy Problems and Policy Design*. New Horizon: Public Policy Series.
- Piore, M. J. (1979). *Birds of Passage: Migrant Labour and Industrial Societies*. Cambridge Books.
- Rittel, H.W., & Webber, M.M. (1973). Dilemmas in a general theory of Planning. *Policy Sciences*, 4(2), 155-169.
- Schön, D. (1996). *The Reflective Practitioner: How Professionals Think in Action*. Aldershot, UK: Arena.
- Sédou, L., Akkerman, M., & Vranken, B. (2020). Militarisation of the European Union: Fresh money for the military industry. In J. Calvo Rufanges (Ed.), *Military Spending and Global Security: Humanitarian and Environmental Perspectives* (pp. 61-82). Routledge.
- Shön, D., & Rein, M. (1994). *Frame reflection: Toward the resolution of intractable policy controversies*. New York: Basic Books.
- Skeldon, R. (1990). *Population mobility in developing countries: A reinterpretation*. London: Belhaven Press.
- Stark, O. (1978). *Economic–demographic interactions in agricultural development: The case of rural-to-urban migration*. Rome: Food and Agriculture Organisation of the United Nations. <https://openknowledge.fao.org/server/api/core/bitstreams/729f7357-5abe-4c03-841f-a66ebae35253/content>
- Stark, O. (1991). *The Migration of Labour*. Cambridge and Oxford: Blackwell.
- Stohl, R., & Grillot, S. (2013). *The International Arms Trade*. John Wiley & Sons.
- Sutcliffe, S., & Court, J. (2005). *What Is It? How Does It Work? What Relevance for Developing Countries?* Overseas Development Institute, London. <https://apo.org.au/sites/default/files/resource-files/2005-11/apo-nid311114.pdf>
- Tazzioli, M., & Stierl, M. (2021). 'We closed the ports to protect refugees': Hygienic borders and deterrence humanitarianism during Covid-19. *International Political Sociology*, 15(4), 539-558.
- Toucas, S. (2008). Push and Pull factors towards and against a common European Migration Policy: France, Britain, and their approach to irregular migration. IFRI, Brussels. <https://www.ifri.org/sites/default/files/atoms/files/cadbury1.pdf>
- UN General Assembly (1948). Universal Declaration of Human Rights. United Nations, 217 (III) A, Paris. <http://www.un.org/en/universal-declaration-human-rights/>
- UN General Assembly (1951). Convention Relating to the Status of Refugees. United Nations, Treaty Series, (vol. 189, p. 137). https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtsg_no=V-2&chapter=5&Temp=mtsg2&clang=en
- UN General Assembly (1967). Protocol relating to the Status of Refugees. United Nations, Treaty Series, (vol. 606, p. 267). https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtsg_no=V-5&chapter=5

- UNDP. (2009). Human Development Report 2009: Overcoming Barriers – Human Mobility and Development. United Nations Development Programme.
- UNHCR. (2023). 2023 Mid-year trends report. <https://www.unhcr.org/mid-year-trends-report-2023>
- UNHCR. (2024a). Mediterranean situation. Retrieved August 1, 2024, from <https://data.unhcr.org/en/situations/mediterranean>
- UNHCR. (2024b). Refugee Data Finder. Retrieved August 1, 2024, from <https://www.unhcr.org/refugee-statistics/>
- Volker, P. (2014). Vision Without Execution is Hallucination. *Public Administration Review*, 74 (4), 439–441.
- Weaver, K. R. (2010). But Will It Work?: Implementation Analysis to Improve Government Performance. *Issues in Government Studies*, 32, 1–17.
- https://www.capire.org/capireinforma/scaffale/02_implementation_analysis_weaver.pdf
- Weber, E.P., & Khademian, A.M. (2008). Wicked Problems, Knowledge Challenges, and Collaborative Capacity Builders in Network Settings. *Public Administration Review*, 68(2), 334-349.
- <https://doi.org/10.1111/j.1540-6210.2007.00866.x>
- Yeatman, A. (1990). Bureaucrats, Technocrats, Femocrats: Essays on the Contemporary Australian State. Sydney: Allen and Unwin.
- Zelinsky, Z. (1971). The hypothesis of the mobility transition. *Geographical Review*, 61(2), 219-249.



Construction of Identity and Transnationalism: A Journey with Migrantour

Laura Cappai^{a1}, Viviana Premazzi²  ^b

^a Independent researcher, GMD Training and Consultancy Services Ltd.

^b University of Malta and GMD Training and Consultancy Services Ltd.

Abstract

Identities are formed through intertwined interactions amongst people, in the context of societal and institutional practices. Thus, experiences of migration impact the individual formation of different self-understandings, which need to navigate different cultures simultaneously. The study looks at the experiences of first and second-generation migrants who are intercultural companions in the Migrantour network. As Migrantour is a project aimed at creating a comprehensive view of cultures, combat stigma, and foster inclusion, the intercultural companions play a significant role in developing personalised narratives, mixing autobiographical and non-autobiographical testimonies with historical facts, to create a rich tour which makes everyone the protagonist of their own story. Through this acquired agency, intercultural companions develop a self-understanding of themselves, as well as a communal identity as part of a network.

Keywords: Transnationalism; emotional transnationalism; migration studies; transnational identity

Introduction

Migration entails the movement of people across countries, cultures, and social environments. In an increasingly connected world, one of the concepts to describe the cross-national links created by migrants has taken the name of transnationalism.

The term transmigrant is used to conceptualise how migrants develop and maintain relations - familial, economic, social, and political- across multiple countries (Schiller et al., 1992a). The literature highlights how the range of actions across national borders exacerbates concerns about rights and citizenship, as well as stirring an academic and emotional debate on the effects of double cultural influences on migrants. On one hand, the juxtaposition of various cultures can cause distress and negative emotional states in migrants and possibly lead to a perceived absence both from the culture of origin and in the new country of residency (Saada, 2000; Wolf, 2002). However, maintaining the beliefs and values of the culture of origin can also have a positive guiding value and result in positive behavioural and psychological consequences (Falicov, 2006; Gu, 2010).

The focus of this paper is the formation of identity by transnational migrants. Identity is understood as performed, dynamic, culturally located, and constructed via social interactions and in relation to the institutions (Benwell, 2006).

The paper presents a review of the concept of transnationalism and its more commonly understood applications and dwell specifically into emotional transnationalism and the theoretical framework of

¹ For correspondence: lauracappai003@gmail.com

² For correspondence: vprem01@um.edu.mt

transnational identity. Then, after a detailed introduction to the Migrantour project, the analysis is presented, followed by the limitations and conclusion.

The initiative of Migrantour, developed in Turin in 2009 to foster new narratives about migration and social inclusion, is analysed. The Manifesto of Migrantour is inspired by an African proverb, “the footprints of people who walk together are never erased” (“Manifesto Migrantour”, 2022). Through the project, first and second-generation migrants, trained as intercultural companions, accompany tours’ participants along routes which represent key places for intercultural exchange, or places which have been stigmatised in negative ways, in order to challenge the stigma and stimulate the creation of a new narrative, in a joint moment of connection between the intercultural companion and the beneficiaries of the tour.

Becoming an intercultural companion means embarking on a journey through which, followed by the expertise of anthropologists and local experts (museum guides, academics, municipal leaders), first and second-generation migrants acquire professional competencies acquired in part from the expertise of cultural mediators and tour guides (Vietti, 2019). As a result, these new professional figures can merge their autobiographical stories with other migration testimonies and incorporate the multiculturalism of the city, enriching the storytelling with objects, interviews, and pictures (Vietti, 2019).

During the training and the experience as an intercultural companion, the migrants themselves are encouraged to reflect on their own story and their own identity. The intercultural companions can also personalise the tour in different ways, relating it to their personal experiences or passions.

The project has now been extended to a wide network of European cities, and it provides training to people with a migration background to become “intercultural companions” along urban routes. This aspect sparked an interest in investigating whether this project has created or strengthened a transnational connection to their country of origin, as well as the host community.

In order to do this, we conducted in-depth interviews with ten intercultural companions, three of whom are local coordinators, with a focus on their individual identity reflections and how participation in the Migrantour project impacted the perception and construction of their identity, their connection with their home country, and with the host country.

As identity is constructed through the interaction with the social and institutional context, the opportunity given as an intercultural companion to meet and engage with a multitude of people, and reflect on one’s own heritage and contribution to society, was expected to possibly contribute to the construction of certain aspects of identity. After offering an overview of the literature on transnationalism and emotional transnationalism, we focus on how that connects to identity and may explain identity as self-understanding. The analysis reveals how intercultural companions develop a different self-understanding related to their increased protagonism within the narrative about migration, and a feeling of agency and of giving back to society. Moreover, a communal identity is formed within the Migrantour network, promoting another form of self-understanding and sense of belonging.

This research is relevant as it contributes to the academic debate on transnational identity, which is still a contested concept. It also connects the literature on emotional transnationalism, which is an under-researched field that so far mostly focuses on the familiar dimension; yet, this paper offers insights into the wider field of migrants’ self-perception of identity and belonging in the sphere of social relations. Although the generalisability is not universal, as the focus is on participants of one specific project, the research aims to gain a rich understanding of those individual perceptions. Therefore, there is no intention to disproportionately apply this to a larger population. Moreover, on the societal level, reflecting on projects such as Migrantour and the impact they have on migrants can be informative for the development of future similar initiatives.

Literature review

What is transnationalism?

The concept of transnationalism originated at the end of the 19th century, when the United States received large numbers of immigrants from non-Anglo-Saxon countries, adding a new ethnic perspective

to the American landscape beyond the dominant racial discourse (Bradatan et al., 2010; Roudometof, 2005). Transnational feelings and ties played an important role in the lives and organisations of immigrant communities in the United States before 1950, making the concept of transnationalism a long-standing issue (Roudometof, 2005).

Globalisation has facilitated the creation of transnational social spaces, highlighting how the notion of transnationalism diminishes the importance of territoriality (Roudometof, 2005; Waldinger, 2013). Thus, transnationalism encompasses activities and beliefs that span across countries, and in doing so, it opposes the notion of nationalism, and to a certain extent to that of cosmopolitanism, which has a moral and ethical connotation (Roudometof, 2005; Waldinger, 2013).

Over the last decades, the concept has stretched to include a wide range of issues concerned with international migration. International migration inherently encompasses a multiplicity of involvements in the home and host societies, be it material, such as financial transactions known as remittances, letters, cross-border activism, and visits, or non-material, such as cross-border social movements, religious movements, maintaining beliefs, cultural capital, and emotional bonds (Roudometof, 2005; Schiller et al., 1992b; Waldinger, 2013). Transnational interactions are conceptualised as “taking place among people and institutions in two or more separate ‘containers’ or nation-states” (Roudometof, 2005, p. 199).

The transnationality of populations exists within the framework of nation-states and nationalism, which entails concerns on matters of rights, citizenship, political participation, and national identity in both the home and host countries (Waldinger, 2013). While acknowledging the impact that these forces exert on transnational interactions, in this paper, these aspects are not investigated in depth as they do not directly fall under the scope of this research.

The material connections of transnationality have been largely studied. The development in communication and transportation technologies has allowed cross-country and cross-continental connections through deliveries, mail, or phone calls (Waldinger, 2013). Moreover, mail allows for the sending of remittances, which started providing some countries with stable income flows and sometimes had a big economic impact (Esteves & Khoudour-Castéras, 2009). Since 2015, remittances have been the largest source of external finance flows to low-and middle-income countries (Ratha et al., 2023). As of 2023, there is an estimated increase of 3.8 percent in the remittance flows, which has come to reach about USD 669 billion (Ratha et al., 2023). Besides economic ties, political influence is also a key aspect of transnational activities: for instance, campaign contributions from the US account for 10 to 15% of the revenue of political parties in the Dominican Republic (Guarnizo et al., 2003). Another example is that of political support through cross-border voting, demonstrations, or engagement in hometown associations’ projects in the region of origin (Østergaard-Nielsen, 2003).

Emotional transnationalism

At the same time, there is another aspect of transnationalism, which goes beyond the circulation of material goods and ideas and focuses on the cultural and social relations between the home and host society. Wolf (2002) first conceptualised it as emotional transnationalism, when referring to second-generation migrants, who maintain ties “at the level of emotions, ideologies, and cultural code” in a way that places them “between different generational and locational points of reference, both the real and imagined – their parents, sometimes their grandparents and other relatives – and their own” (p. 258). This explains the juxtaposition of several cultural and emotional spheres while inhabiting one geographical location.

This weaving of identity out of multiple belonging and affiliation could also result in “double absence” (Saada, 2000, p. 37). This expression refers to the contradiction of being, on the one hand, absent from the society of origin, and somehow distant in cultural and psychological terms. On the other hand, the immigrant stays at the outskirts of the host society, even after naturalisation, as the legal recognition does not necessarily erase the stigma and change the immigrant’s social condition (Saada, 2000).

Although the first conceptualisation of the term entails a negative emotional state, namely distress, emotional transnationalism might also refer to positive emotions, which arise in individuals when they can embrace their culture, for instance (Gu, 2010). It is also possible to define emotional

transnationalism as “the emotions experienced when immigrants [...] search for behavioural guidance and a foundation for moral judgments from the cultural norms of both their sending and receiving societies” (Gu, 2010, p. 691). In fact, perpetuating cultural narratives and maintaining a connection with the place of origin has a protective positive impact on migrants’ mental state, as opposed to rapid assimilation, which correlates more with symptoms of depression and anxiety (Falicov, 2006).

Most of the research on emotional transnationalism focuses on the familiar dimension, which entails the explanation of deep emotional bonds within a tight-knit circle of individuals. However, there is a lack of research on the emotional sphere of individuals regarding their own identity, in relation to their material and emotional engagement across their home and host societies.

The literature presented so far indicates that transnational activities that take place between different nation-states and cultures impact the emotional relations migrants hold across borders. Consequently, these relations impact their own self-understanding and how they relate to others.

Therefore, this research aims to investigate how participating in Migrantour as intercultural companions affects the construction of a transnational identity. Moreover, there is an expectation that, since the experience as intercultural companions has some impact on the construction of identity, it will also bear some impact on the relations with the home and host country. In the following paragraphs, the theoretical framework used to understand identity, as well as the methodology used to conduct the research, are explained.

Theoretical Framework

Transnational identity

The introductory outline on transnationalism above is meant to emphasise how migration generates cross-border connections, with the establishment of social fields across geographic and cultural borders (Schiller et al., 1992a). Thus, immigrants are understood to be transmigrants when they “develop and maintain multiple relations- familial, economic, social, organisational, religious, and political- that span borders” (Schiller et al., 1992a, p. ix).

The issue inevitably dwells on the identity and the construction of it, by migrants in the habitation of different societies simultaneously. The research takes a constructionist approach to identity, which sees it as performed, dynamic, culturally located, and constructed in interaction with other people and institutional structures (Benwell, 2006). Therefore, narration is a way of constructing identity as one can embody one’s experience in several ways to understand the world, oneself, and build different versions of this self (Benwell, 2006). Seeing identity as a building process of the self is congenial in the discourse on transnational immigrants, as it allows us to understand how the subject can maintain multiple identities.

Identities are not just articulated by the individual and their own social relations, but they are also constituted by public discourse, popular culture, and ideology (Ewing, 2004). Identity is both a category of practice and one of analysis (Brubaker & Cooper, 2000). As a category of practice, it relates to everyday social experience, as it is experienced by social actors in their lives, without the abstractive lenses of analysis (Brubaker & Cooper, 2000). Therefore, we can also speak of social identity when it is “created and maintained through interaction with people belonging to the same social unit and language” (Bradatan et al. 2010, p.176). However, in this collective understanding, it could also be conceptualised as “sameness among members of a group or category” (Brubaker & Cooper, 2000, p. 7). Brubaker and Cooper (2000) distinguish five analytical meanings, which can then be narrowed down to three spheres of the term identity. First, there is a general understanding of identity as a non-instrumental mode of social and political action. It refers to how actors are governed by particularistic self-understandings (Brubaker & Cooper, 2000). Self-understanding is a term that can designate the “situated subjectivity”, meaning how people make sense of who they are, their social location, and how they are prepared to act (Brubaker & Cooper, 2000, p. 17). This does not entail a unitary understanding of the self as homogenous and coherent, but rather as a web of intersecting categories with different proximity and intensity (Brubaker & Cooper, 2000). Secondly, identity can be used collectively to highlight fundamental

sameness across social groups (Brubaker & Cooper, 2000). Lastly, identity can be considered to be a product of social and political action, or a fragmented product of multiple and competing discourses (Brubaker & Cooper, 2000).

While recognising the multifaceted theoretical bundle around the concept of identity, the present focus is on the first meaning of identity as one of self-understanding. Transmigrants can draw upon and create fluid identities grounded in the society of origin as well as the host societies (Schiller et al., 1992a). Transnational identities are social identities that transcend state boundaries (Cronin, 1998). Some migrants choose to define themselves through their place of origin, while others prefer to define themselves through the new country of residence (Bradatan et al., 2010). As identity is developed through interaction with other people and institutional structures, immigrants with little to no connection to the new people, culture, and society will be unlikely to experience a change in their identity, thus remaining more connected to their community of origin (Benwell, 2006; Bradatan et al., 2010).

Against this backdrop, the analysis of the experiences of intercultural companions of the Migrantour is guided through this conception of identity as a performed, dynamic, and constructed self-understanding.

Methodology

To investigate how the experience as intercultural companions in the Migrantour network has a role in the building of identity of migrants and their feelings towards the home and host country, we conducted in-depth interviews with people with a migratory background who are, or have been active as, intercultural companions in a city of the Migrantour network.

As a sample, we considered the entirety of intercultural companions from the cities adhering to the Migrantour project. The first criterion was that the participants have a migration background, thus they are first-generation migrants or second-generation migrants, as the research dwells on the self-identity of migrants. The second criterion was that they speak English and/or Italian proficiently, as they were asked to deliberate on several topics, which required proficiency and comfort in speaking the language. Lastly, an additional criterion was the availability of technology, and the proficiency in the use of apps like Zoom, Google Meet, or the WhatsApp video call function, as the interviews were held online to increase the geographical scope of the sample and include respondents from several cities of the Migrantour network.

In all, we conducted ten semi-structured interviews with intercultural companions, three of which are local coordinators in Turin, Milan, and Utrecht. The semi-structured format was chosen because of its flexible nature, which allows the researcher to pick up on important themes that emerge during the interviews, while having some common ground among the interviews for analysis (Bryman, 2012). The questions were open-ended to encourage a detailed and personalised narration by the interviewees. In fact, the use of in-depth interviews was considered an appropriate method for the scope of this research topic as it allowed the researcher to create a connection with the interviewees and understand the participants' social reality, thus the process of constructing their identity (Rutledge & Hogg, 2020). The questions touched upon the participants' perception of themselves, then the connection to Migrantour, what it represented for them, and in what way they felt affected by the participation in the network. Moreover, questions focused on the relationship with other intercultural companions, the meaning of having a network of people with similar experiences around, and the significance of the interaction with other people who partake in the tours as beneficiaries, or secondary participants (e.g., business owners, market vendors). The questions are presented in Appendix A.

The interviews were then transcribed in full and coded in several rounds by using Atlas.ti to identify common themes. Most of the interviews were conducted in Italian; therefore, the transcripts are in the original language, while the themes emerging from them were then translated into English for the analysis.

Ethical Issues

The participants were recruited through email or WhatsApp private messages. In the messages, the scope of the interviews, the aims of the paper, and what the participation entailed (i.e., an interview of about thirty minutes, online, with an interviewer) were explained. Those who agreed to take part were also asked for consent before proceeding with the interview and its recording. Moreover, the interviewees were informed that the recordings were going to be transcribed, with the eventual anonymised transcriptions being used for the analysis. The real names of the interviewees were thus hidden, and in this paper, we do not share any personal information about them besides the country of origin, on those occasions when it is mentioned in the quotes used in the analysis.

Operationalisation

For its operationalisation, the concept of identity can be quite a broad term. Therefore, the term self-understanding (*concezione di sè*, in Italian) was also used to ask participants to reflect on their experience. This was done by asking interviewees to reflect on how they see themselves, and how this perception has changed as a result of external factors relating to their experience with Migrantour. Then, since identity is formed also through interaction with other people and institutional structures (Benwell, 2006), some questions were directed towards the relationship of the participants with other intercultural companions and the broader public (participants who attend the tours, local municipalities...).

Analysis

Introduction to Migrantour

Migrantour is an initiative first developed in 2009 in Turin, Italy, by a group of anthropologists from the University of Turin, the University of Genoa, and the Intercultural Centre of Turin (Centro Interculturale della Città di Torino) (Vietti, 2019). The initial idea was to promote a form of responsible tourism that has citizens with a background of migration in their personal or familiar history as the protagonists of intercultural urban tours (Migrantour, 2024). The narrators of the tours are first- or second-generation migrants who develop the tour trajectories, connect with other residents of the neighbourhoods and other local bodies, and therefore develop the narrative accordingly. Thus, the role of the intercultural companion who creates a bridge between the expertise of an intercultural mediator and a touristic guide was born (Vietti, 2019). The first course for intercultural companions was held in Turin by Viaggi Solidali, a tour operator for responsible tourism. The intercultural companions are trained by learning different techniques of storytelling, autobiographic narration, and ethnography to investigate the field and carry on participant observations, interviews, and mapping the urban neighbourhoods where the tours are done, and create a heritage of common practices and knowledge (Vietti, 2019, 2020).

The initiative raised interest and proved to be successful; therefore, the project “Migrantour: a European network of migrant driven intercultural routes to understand cultural diversity” was born as a European Union (EU) co-funded project conducted in 9 European cities (Vietti, 2019). The network further expanded in 2018, when Brussels and Ljubljana joined the network, as well as new Italian cities (Vietti, 2019).

The model proposed by Migrantour considers migration as a synthesis of stories, memories, practices, knowledge, places, urbanistic and architectonic heritage, material and non-material goods, which generations of migrants can trace back to and use to reclaim their identity, their voice, and their contribution to the urbanistic and societal changes (Vietti, 2019). In the first ten years of activity, around six hundred migrants were trained as intercultural companions, and an estimated 30,000 people participated in the tours (Vietti, 2019).

Turning to the aims of the project, the core of the initiative revolves around encounter and participation (Vietti, 2020). The protagonists of the stories are the migrants who narrate their own life experience, their family history, and the city in which they live every day. At the same time, those

narratives also allow for other people's stories to blend in; shop owners, bakers, butchers, and workers of the city are invited in to share their culture and their perspective.

After conducting interviews with ten intercultural companions, the analysis highlights two dimensions in which participation in Migrantour has influenced the construction of identity: on an individual level, through active participation, which entails a confirmation of personal values, a sense of giving to others, and the self-worth associated with becoming a protagonist. Then, there is a communal dimension related to the exchange with others. Moreover, the analysis dwells on the applicability of the term transnational to describe the individual and communal identities that are constructed.

Themes

The ten interviewees were all women, of different ages, occupations, and backgrounds. Eight of them were first-generation migrants, and two were second-generation migrants who were born in Italy. All participants but one currently live in Italy, and are intercultural companions in the Migrantour Milano, Torino, and Roma.

Self-Awareness

The first pattern that was uncovered during the analysis was the difference between people's predispositions for self-reflection. Some people spoke at length about how they have learned to appease different parts of their identity throughout their whole lives.

In one interview, C. reveals:

"I have always felt and clearly knew where I came from, how I am, and the role I have here; I didn't discover it here. I picture in my head perfectly my situation, who I am, and how my identity is shaped [...]. However, yes, I feel like it (Migrantour) was a beautiful way to tell other people who I am."

This quote illustrates how people who were already confident in their identity and how they wanted to configure it, what words to use to describe it, found in Migrantour a way to illustrate this previous conception of themselves, and celebrate it.

L. described that for her, finding the project was "Like a ring that perfectly fits my finger [...]" and it has reiterated, complemented, and enhanced my (cultural) diversity."

This sense of awareness of one's perception of self was always accompanied by an understanding of the different parts of their identity. The participants all explained how their family and personal history were entrenched in multiculturalism, being immersed in different environments and traditions, and making sense of those from very early on in life.

For them, the participation in Migrantour was therefore not an occasion to change their own perception of their culture, belonging, or personal history as migrants in Italy, but rather a way to showcase those stories to others and partake in a project that celebrates the personal identities of migrants.

At the same time, other participants highlighted how their work on self-reflection and understanding was stimulated by their participation in Migrantour and therefore sparked an exploration of their positionality as migrants in society and sometimes of their culture. When speaking with these interviewees, what was clear was that the exposure to other cultures and the curiosity of other people expressed during the tours instigated personal research about their own culture(s) of origin and their identity.

This quick distinction between previous levels of self-awareness of one's identity brings us to the main dimensions of analysis discussed below.

Giving as a gain

As previously discussed, one of the main premises proposed by Migrantour is the effort to empower migrants to become protagonists of their own narratives. This is seen as a counteraction to those mainstream discourses which stigmatise migrants either under a negative lens as criminals, relating to spheres of illegality, taking advantage of the system, or leaching off the rest of the citizens (Kubal, 2014),

or a more feel-good narrative which victimises migrants as powerless and incapable (Smets et al., 2019). Conversely, in Migrantour, intercultural companions are locals who contribute to and extensively know the places in which they live and operate the tours, therefore gaining agency to speak not only about their own stories, but also about these locations (Ormond & Vietti, 2022). Thus, the intercultural companions become protagonists both as locals who experience the city every day and as migrants who have a cultural baggage of heritage, knowledge, and tradition.

The importance of this aspect was reiterated during the interviews. As previously discussed, some participants became intercultural companions while coming from a position of interest, but lacking awareness of their value as migrants or the importance of their voices. Participants reported how sometimes they felt ashamed because of the stigmatisation of people from their country as criminals, or the widespread idea of a migrant as someone “who only comes to take from the country” (M, 2024). The feeling of shame sometimes caused efforts to refrain from speaking the mother tongue in public or trying to learn the language better.

However, their experience with Migrantour led to the realisation of the relevance, richness, and importance of the cultural background of migration they carry with them.

M. summarised the experience of acquired awareness in a salient way:

“With Migrantour I understood that as a migrant I was important, very important [...] I could also give a lot to others [...] I brought with me a baggage of many things, cultures, knowledge, traditions, which are also significant for the society that I came to.”

Gaining awareness of the richness of the culture and stories contributed to more curiosity and growth in confidence, as well as efforts to connect to the culture of origin. This change of narrative of the migrant being able to give something back contributes to the acceptance of one's role in society as an active member. This connects to the notion of self-understanding, which entails people's awareness of who they are and how they are prepared to act (Brubaker & Cooper, 2000). Respondents highlighted how they came to discover the importance of their stories, how they can be “healthy carriers of culture and traditions”, and how, as migrants, they are worthy” (M, 2024). Moreover, the emphasis put by the Migrantour training on personal experiences enhances the individual perceptions of the burden to represent a whole culture. R. explained how she feels like she cannot “represent all Romanians” or be an “absolute carrier of the culture”, but she can represent her lived experience in certain places at certain given times.

The dimension of being able to give, therefore, becomes formative to a conception of the self as an active agent of society. The value it acquires is both relevant on the individual level, as their personal or familiar stories matter, and on the community level, as the narrative enriches others and allows for traditions and heritage to shine. The gain of confidence and pride in the identity of migrant also contributes to an added exploration and interplay between the cultures.

One intercultural companion highlighted how she included the cultural relevance of products from her home country in the tours she conducts; another woman focused on how the possibility to embrace her culture and share it with other people also sparked her curiosity in getting involved with the Romanian community in her city and in discovering new traditions. Therefore, the participation in Migrantour reinforces the identitarian aspect of being a migrant, which consequently directs action in the form of increased engagement in the culture of origin and an enhanced establishment of the participants' perceived worth.

Lastly, the importance of the aspect of giving was particularly highlighted when speaking of educating others. As previously stated, the intercultural companions participate in the co-creation of the maps of the tours. Then, even once the tours are established, each companion can personalise the narration according to their personal experiences, affiliations, and preferences.

Intercultural companions feel like their role is “educational” and enables them to “contrast other narrations that they (participants to the tours) hear elsewhere, for them to learn to critically reflect on what they hear” (A, 2024). For example, the educational sphere became a great theme of discussion related to the participation of schools in the tours, as it is an opportunity to speak with younger generations about racism, and Italy's history as a country of emigration as well as immigration.

Part of the educational aspect also lies in the humanisation of the phenomenon of migration. Intercultural companions can offer a new perspective on the neighbourhoods, the people who live in them, and the phenomenon of migration in general, which entails not only their own stories but the stories of other people as well. Therefore, the stops of the tour include the halal butchery at the Porta Palazzo market in Turin, the Peruvian grocery store in Via Padova in Milan, or the House of Islamic Culture in Milan.

Creating empathy is also a goal of the Migrantour. Narrating a migration story and then adding biographical elements or introducing the participants to people who can share their own stories is deemed to be very impactful. "I think people are left most changed when they understand something from an experience that someone has had, and that has emotion in it, and that has stakes to it." (M, 2024).

Therefore, through the intercultural companion's narratives, the participants can get in touch with realities that they have never had a direct connection with before, and this helps them to be "more human", "closer to each other", as well as "forge empathy for people".

As the educational aspect enriches the self-understanding of the intercultural companion singularly, it also contributes to the relational aspect of identity, which is further expanded on in the next section.

To conclude, a personal interest and sensitivity towards specific topics, such as the sensitisation to racist narratives or the reflection upon emigration and immigration in the Italian context, can shape the direction of the tour and contribute to the participation and agency over the narrative by the intercultural companions.

Encounter with others: becoming all protagonists

Another fundamental aspect of the construction of identity through participation in Migrantour lies within the relational aspect of identity. When seen as a dialectic interplay of relations with the social and institutional environment, the way in which relations are created with others impacts the self-understanding of people (Brubaker & Cooper, 2000).

The way in which intercultural companions experience the connection with other people is through exchange. The exchange is a mutual process happening both with the other intercultural companions, with the beneficiaries of the tours, and with the people who are involved in the tours during the various stops.

The exchange with other intercultural companions is a dimension the relevance of which is posited from the co-creation of the tours to the creation of friendships, and the occasional gatherings of the network to discuss common practices, experiences, share personal stories, or foods from different parts of the world.

The exchange provides an occasion to learn information to share during the tours, as well as for personal enrichment:

"We bring our food, we tell stories from our countries about different traditions [...] so when I go to the halal butcher, I am able to say accurate things and talk about real traditions with factual knowledge because it's things I heard of and experienced myself" (M. 2024).

The relational aspect is thus of the utmost importance, and it is seen as a mutual enrichment. Moreover, united by the fact that there are widespread self-understandings of the self as migrants, this individual-level awareness contributes to the creation of a sense of belonging.

Intercultural companions explained in the interviews how experiencing stigmatisation, difficulties on the job market, or accustoming to living in a new country, had created a feeling which can be described using the concept of "double absence", thus not fully participating in either the country of origin or the new country of residence (Sayad, 1988 in Saada, 2000, p.37). This was described negatively as not feeling important, trying to hide foreign origins, or feeling out of place. However, participating in the Migrantour has provided a sense of belonging to a group.

"It is important to me to know that there is this group to which I feel I belong to, no? When I feel like I don't belong in other groups, at least I have this, to know I belong to the Migrantour group, and this is crucial to me" (L. 2024).

As it is exemplified by this quote by L., the construction of the understanding of the self transcends the individual sphere and contributes to the creation of a collective identity.

This sentiment is fostered, starting with participation in the training. O. recalls that “the way in which they organised the training, the way in which we interacted with each other, the stories we told, etc., they made me feel at home, since I was able to build an identity in this way”.

Collective identities entail an emotionally laden sense of solidarity to a specific group (Brubaker & Cooper, 2000). In this sense, commonality, meaning the sharing of common attributes, and connectedness, meaning the linkage between members of the group, can be used to describe how the commonality of relatable experiences, and the participation to a common project guided by similar aims, create a feeling of belonging thus a collective identity as parts of the Migrantour network (Brubaker & Cooper, 2000). Moreover, another sphere is that of the exchange with beneficiaries of the tours and other people who also participate in the new narratives portrayed during the walks.

As many intercultural companions explain, a part of the training and of the tours is that of giving access to the stories of other people and allowing them to have the spotlight to narrate their experiences and let them become protagonists of their own stories. In this sense, Migrantour allows migrants to be protagonists in a broader sense, which includes both the intercultural companions who, during the tours, represent the main voice, but also the people they choose to include during the tours. As already mentioned, the aspect of humanisation of migration also has a great emotional impact. The construction of a narrative that entails personal stories, as well as demographic and historical information about immigration to specific cities or neighbourhoods, allows for a greater understanding and for forging empathy, which therefore corresponds to the creation of new narratives and understandings. In this process, different people contribute, and they all share the spotlight and the agency over the narration. As O. mentioned, she likes to bring groups to a small Indian shop in Milan, where she has forged a relationship with the owners who know her and participate in the tour by answering questions and creating a direct contact both amongst the narrators and between the narrators and the beneficiaries of the tour.

The centrality of the figure of the migrant during the Migrantour also includes participation from the public. Especially within classrooms, there is rich cultural diversity. M. mentioned how she likes to include kids from different cultures during the tours:

“when I explain the tradition of the red egg, which is made for Easter in Romania and there is a Romanian kid in the group, I ask him to join me in telling the others about it, and so he also becomes a protagonist, he changes in the eyes of the others and he is so proud of knowing something the others don’t.”

This example showcases how shedding light on other experiences is also a widespread practice that allows for a communal experience to be formed. In this sense, the purpose of making the migrant protagonist of the new narratives that are created during the tours is achieved on a larger scale than by only looking at the experiences of those leading the tours.

Why transnationalism?

All in all, the involvement with Migrantour as intercultural companions contributes to the participants’ definition of self-understanding as migrants, belonging to several cultures, as active members of a community, as worthy and able to give and educate others. Moreover, the shared experiences and linkages created between members of the network of intercultural companions foster a sense of belonging together, which defines a collective identity as part of the Migrantour network. The exchange of experiences and empathy is not confined to the in-group of companions, but it is widened to comprise all participants in the tours, including locals whose shops or stories become the subject of the tours, and the public who takes part in the tours and is invited to share their perspectives.

At this point, I would like to turn to a specific aspect, which is that of transnationalism. As previously defined, transnationalism broadly encompasses beliefs and actions taking place across national borders (Roudometof, 2005). Going beyond material interactions, emotional transnationalism entails the

“emotions experienced when immigrants [...] search for behavioural guidance and a foundation for moral judgments from the cultural norms of both their sending and receiving societies” (Gu, 2010, p. 691).

After offering an interpretation of the ways in which identities are constructed through participation in Migrantour, I would like to argue that these identities are transnational.

As a first point to mention, both first- and second-generation migrants have explained in their own words how the adherence to labels which categorise them as either coming from one country, or two, is not enough to capture the complexity of the personal and inherited story of each person.

All the intercultural companions who participated in the interviews highlighted how they often felt forced to put themselves in categories, while reality is more complex than that.

“When people ask me where I’m from, my husband says, “Why don’t you say just one country?”. But I can’t, it’s not how I am” (L. 2024). “We get influenced, I’m Romanian, but in 15 years I acquired pieces of Italian cultures, some habits, even without doing it on purpose, it’s natural that it happens” (R. 2024).”

Thus, feelings of being “divided”, “made of small pieces of identity coming together”, “in between cultures”, as came up in the interviews, can be reunited under the term transnational as it does not necessarily bind identity to a specific country, nor two. In fact, this entails the wielding of identity across borders, in different levels of proximity and intensity, and even while inhabiting one other geographical location.

The previous points of analysis highlighted the emergence of “migrant” as an aspect of self-understanding and communal identity. This already transcends the conceptualisations of strong identity which relate it to race, gender, social status, or nationality (Brubaker & Cooper, 2000). As the term migrant in its wider meaning entails a movement across space, transnationalism embraces the practices of connection to different cultures, which is practiced and encouraged throughout participation in Migrantour. Moreover, for some intercultural companions, the referral to different cultural norms and heritages throughout their lives is a common practice that denotes aspects of transnationalism (Gu, 2010). Especially second-generation migrants expressed how they have experienced feelings of “not fitting in either one or the other” category and feeling “alien”. Here, the notion of emotional transnationalism can help reach an interpretation of this phenomenon, as it surpasses the need to choose a set of values and norms exclusively related to one culture, and thus widens the scope to any set of values one feels the need to adhere to. Therefore, the engagement in Migrantour gives an opportunity to explore and delve into different understandings of the self and how they are constantly formed throughout the years, and some features of these self-understandings can be described as transnational.

Conclusion and limitations

Migrantour is a project that, in over ten years of activity, has engaged hundreds of migrants as intercultural companions. With the focus on making migrants the protagonists of new narratives focused on humanisation of the other, empathy, and offering new perspectives, it has emerged as a significant work of self-understanding and reflection on one’s position in society. With that, a sense of importance and worthiness as a migrant, as someone who can give something to others, a “healthy carrier of culture” who can educate others, contributes to the formation of individual aspects of identity. Moreover, the unceasing exchanges of common practices, personal stories, points of reflection, and emotions also constitute shared features and linkages that have led to the blossoming of a sense of belonging and what can be understood as a communal identity.

These understandings of identity can be deemed transnational as they challenge strong conceptualisations of identity related to categories of race, gender, religion, social status, or nationality, and encompass an understanding of the self which belongs to multiple cultures, or to the “world”, and to the constant relational interplay with other cultures as a formative experience, creating an intricate web of connections to heritages with different levels of proximity. Thus, transnationalism can impact the

perceptions of society and belonging by changing the borders of people's nationalities and creating more fluid understandings of descent, lived experience, and how one places oneself in the world.

The interpretations offered in this research have a limited scope as they entail the subjective experiences of intercultural companions. Conceptualisations of identity and transnationalism are both debated and subject to incessant change. However, offering interpretations of individual experiences is important for shedding light on formative practices that have a positive impact on the individual as well as a socially relevant aim of creating new narratives around migration. Thus, although the singular experiences cannot be generalised and the concepts used in this research could be challenged, this paper aims to provide an interpretation of the creation of self- and communal understandings, which are a part of the experience of migration. In this respect, further research on transnationalism and emotional transnationalism and its interplay with identity formation can follow up with a view to investigating how the social and institutional context complements the individual understandings.

References

- Benwell, B. (2006). *Discourse and Identity*. Edinburgh University Press.
- Bradatan, C., Popan, A., & Melton, R. (2010). Transnationality as a fluid social identity. *Social Identities*, 16(2), 169–178.
- Brubaker, R., & Cooper, F. (2000). Beyond 'Identity'. *Theory and Society*, 29(1), 1–47.
- Bryman, A. (2012). *Social Research Methods*. Oxford University Press.
- Cronin, B. (1998). From balance to community: Transnational identity and political integration. *Security Studies*, 8, 270–301.
- Esteves, R., & Khoudour-Castéras, D. (2009). A fantastic rain of gold: European migrants' remittances and balance of payments adjustment during the gold standard period. *The Journal of Economic History*, 69(4), 951–985.
- Ewing, K. P. (2004). Migration, identity negotiation and self-experience. In *Worlds on the Move: Globalization, migration and cultural security*, 117–140.
- Falicov, C. (2006). Emotional transnationalism and family identities. *Family Process*, 44, 399–406.
- Gu, C.-J. (2010). Culture, emotional transnationalism and mental distress: Family relations and well-being among Taiwanese immigrant women. *Gender, Place and Culture*, 17(6), 687–704.
- Guarnizo, L. E., Portes, A., et al. (2003). Assimilation and transnationalism: Determinants of transnational political action among contemporary migrants. *American Journal of Sociology*, 108, 1211–1248.
- Kubal, A. (2014). Struggles against subjection. Implications of criminalization of migration for migrants' everyday lives in Europe. *Crime, Law and Social Change*, 62, 91–111.
- Manifesto Migrantour. (2022). Migrantour. Retrieved March 12, 2024, from https://www.mygrantour.org/wp-content/uploads/2022/02/MANIFESTO_MIGRANTOUR_2022_11zon-1.pdf
- Migrantour. (2024). Projects. Retrieved March 12, 2024, from <https://www.mygrantour.org/en/migrantour/>
- Ormond, M., & Vietti, F. (2022). Beyond multicultural 'tolerance': Guided tours and guidebooks as transformative tools for civic learning. *Journal of Sustainable Tourism*, 30(2–3), 533–549.
- Østergaard-Nielsen, E. (2003). The politics of migrants' transnational political practices. *International Migration Review*, 37, 760–786.
- Ratha, D., Chandra, V., Kim, E. J., Plaza, S., & Shaw, W. (2023). Migration and Development Brief 39: Leveraging Diaspora Finances for Private Capital Mobilization. The World Bank: <https://cutt.ly/Sw7w6HoV>
- Roudometof, V. (2005). Transnationalism, cosmopolitanism and globalization. *Current Sociology*, 53(1), 113–135.
- Rutledge, P., & Hogg, J. L. (2020). In-depth interviews. In *The International Encyclopedia of Media Psychology* (pp. 1–7). Wiley.
- Saada, E. (2000). Abdelmalek Sayad and the Double Absence: Toward a Total Sociology of Immigration. *French Politics, Culture & Society*, 18(1), 28–47.
- Schiller, N. G., Basch, L., & Blanc-Szanton, C. (1992a). Transnationalism: A new analytic framework for understanding migration. *Annals of the New York Academy of Sciences*, 645, 1–24.
- Schiller, N. G., Basch, L., & Blanc-Szanton, C. (1992b). Towards a definition of transnationalism. *Annals of the New York Academy of Sciences*, 645, ix–xiv.
- Smets, K., Mazzocchi, J., Gerstman, L., & Mostmans, L. (2019). Beyond victimhood: Reflecting on migrant-victim representations with Afghan, Iraqi, and Syrian asylum seekers and refugees in

- Belgium. In M. Barlai, B. Fähnrich, C. Griessler, & M. Rhomberg (Eds.), *Images of immigrants and refugees in Western Europe* (pp. 177–198). Brill.
- Takeda, A. (2012). Emotional transnationalism and emotional flows: Japanese women in Australia. *Women's Studies International Forum*, 35(1), 22–28.
- Vertovec, S. (2001). Transnationalism and identity. *Journal of Ethnic and Migration Studies*, 27(4), 573–582.
- Vietti, F. (2019). Migrantour. Intercultural Urban Routes. *Antropologia Pubblica*, 4, 125-140.
- Vietti, F. (2020). Migrantour, the world within cities: Intercultural walks in Bologna, Brussels, Cagliari, Catania, Florence, Genoa, Lisbon, Ljubljana, Milan, Naples, Paris, Pavia, Rome and Turin.
- Waldinger, R. (2013). Immigrant transnationalism. *Current Sociology*, 61(5–6), 756–777.
- Wolf, D.L. (2002). There is no place like “home”: Emotional transnationalism and the struggles of second-generation Filipinos. In P. Levitt & M.C. Waters (Eds.), *The changing face of home: The transnational lives of the second-generation* (pp. 255–294). New York: Russell Sage



From Colonised to Coloniser: Malta's Migrant Detention Practices as a Manifestation of State Violence

Bethany Cachia¹ 

Independent researcher

Abstract

This paper examines the role of the Maltese government in detaining irregular migrants. This includes new arrivals who are de facto detained under public health legislation, those issued with detention orders under the Reception Regulations to verify identity or nationality and the risk of absconding (the two main reasons given by the Maltese government for detaining individuals), and those issued with removal orders pending deportation. International and national human rights law obligations and various commitments contrast heavily with State practice, as has been demonstrated by a number of recent habeas corpus cases in the Maltese courts and cases in the European Court of Human Rights (ECHR), which reflect policies and practices that create a punitive environment for asylum seekers and other detained migrants. These cases, alongside external visits and reports, have consistently deplored conditions in the detention centres, ruled lengths of internment illegal, spotlighted the detention of highly vulnerable individuals, and, in some instances, highlighted torture and degrading treatment in violation of international law. This paper posits that such practices amount to State violence, amounting to disciplinary power and neocolonial means of controlling a racialised group of people. A postcolonial analysis will be employed, bringing into light Malta's unique situation as a former colony, now a reception state for asylum seekers on the borders of the EU, taking on the coloniser role within its own borders.

Keywords: detention, Malta, state violence, (post)-colonialism, migration

Introduction

Malta is situated in a unique position – both historically and geographically. Whilst there are indeed other European islands that share a similar history of invasion and colonisation, it now sits as an European Union Member State in its own right, having held its own economically and has played a significant role in influencing migration policy over the years (The People for Change Foundation & Integra Foundation, 2016). Geographically, Malta is situated at the centre of the Mediterranean, between mainland Europe and Northern Africa, a key departure point for asylum seekers and other migrants with limited access to regular routes, and an entry point into the EU. Malta is the smallest member state of the European Union by both population and geographical area. It has a population of just over 500,000 and an area of 316 km² (Key Facts and Figures | European Union, n.d.), relevant for the analysis of migration and the country's identity in relation to migration.

With a complicated history of more than 7000 years being part of one empire or another, invaded time and again due to the island's geographical position, and being used as a strategic vantage point in times of war for this very reason, Malta has always struggled with its own identity and belonging

¹ For correspondence: betharcher1991@gmail.com

(Baldacchino, 2002). Malta has met with numerous cultures, languages, and religions over the years, key to the island's story of migration and diversity. Malta became independent from British rule in 1964, though notably not from a struggle of war of independence, and actually at one point aiming to become part of the United Kingdom (Baldacchino, 2009). Additionally, towards the end of colonial rule and in the initial years of independence, Malta experienced poverty and destitution, and was primarily a country of emigration, with its own people on the move in the search for a better life (The People for Change Foundation & Integra Foundation, 2016). These elements add further complication to the island's search for a postcolonial identity in a modern Europe faced with the task of migration management.

Migrants have been arriving in Malta in larger numbers since 2002, with numbers increasing steadily from the start of their membership of the European Union (EU) in 2004. As with other countries on Europe's borders, Malta began to see larger numbers of sea arrivals (crossing primarily from Libya) from 2010 onwards in the face of the Arab Spring and ongoing conflicts in Africa (The People for Change Foundation & Integra Foundation, 2016). A country experiencing this inward and outward migration in different forms for many years has also shaped migration policy. The table below shows sea arrivals of asylum seekers in recent years, their countries of origin, and the rates of being granted a protection status by the Maltese government, providing important context for analysing the treatment of arriving asylum seekers.

Table 1: Sea arrivals to Malta, countries of origin, and protection rate: 2018-2024 (UNHCR Malta, n.d.)

Year	Number of arrivals	Top 3 countries of origin	Protection rate (%)
2018	1,445	Sudan, Eritrea and Bangladesh	35%
2019	3,406	Sudan, Eritrea and Nigeria	18%
2020	2,281	Sudan, Bangladesh, Eritrea	12%
2021	832	Eritrea, Syria, Sudan	8%
2022	444	Bangladesh, Syria, Egypt	6%
2023	380	Bangladesh, Syria, Guinea	15%
2024	238	Pakistan, Syria, Bangladesh	9%

A snapshot of the Maltese context of immigration detention

From the onset of the first significant wave of arrivals in 2002 and even before, detention has been a 'flagship policy' (Mainwaring, 2018), first detaining for an indefinite period of time, then being fixed to an 18-month maximum, in the first written policy in 2005. (Ministry for Justice and Home Affairs & Ministry for the Family and Social Solidarity, 2005). This demonstrates a crisis response to a fluctuating number of arrivals (UNHCR, 2018) until a significant drop in 2015 due to the agreement with the Italian government that saw a drop in irregular arrivals to Maltese shores (European Parliament, 2015). A

reception policy for asylum seekers was developed in 2015, which brought the (temporary) end to automatic detention, and sought to bring standards more in line with human rights norms (Ministry for Home Affairs and Security, 2015). Although this policy was never officially scrapped, the government reintroduced automatic and mandatory detention in 2018 (aditus Foundation, 2024b). A significant increase in arrivals seemed to revert the government back to its previous practices and “crisis mode” manner of detaining a large number of sea arrivals, as well as the shrinking protection space demonstrated by the rates of refugee or other protection statuses granted.

Whilst harshening practices of immigration control, which include detention, are not unique to Malta, it can be seen that Malta’s choice of practice is not always as political or ideological as in other countries. In recent years, we have seen a backsliding across Europe and in Western liberal democracies of adherence to international norms concerning the human rights of asylum seekers and migrants, yet the “crisis response” in Malta to increases in numbers is quite consistent, regardless of administrations and whatever else is happening politically in the rest of Europe. This can be illustrated by institutional responses (such as those of the European Courts and other governing bodies) towards Malta’s policies and practices by way of strong criticism and heavy punishments for norm violations, as well as to some extent, comparing practices of other Member States and countries, without the former colonial history, despite the fact that as the years go on, the stark contrast is becoming less stark.

Asylum seekers arriving by sea are not the only group of migrants affected by immigration detention practices. Asylum seekers also arrive by plane or sometimes seek asylum after living in the country regularly as a student or on a Single Work Permit visa. Rejected asylum seekers issued with a removal order are also detained, some of whom have been living in the country for many years (Falzon, 2024), and are targeted in raids in renewed efforts to deport people back to their country of origin, as well as visa overstayers, and those with protection in other countries (aditus Foundation, 2024a). The exact numbers of rejected asylum seekers living in the community are not publicly available, but the Ministry for Home Affairs has provided numbers of deportations in recent years, stating that at the end of 2024, the country had administered over 3,300 deportations in the last five years (Balzan, 2024).

The grounds for detention in Malta are those provided for in the EU Reception Conditions Directive, which has been transposed into Maltese law, and the Immigration Act. An asylum seeker may be detained to determine or verify their identity or nationality, if there is a risk of absconding, or to decide on the right to enter Maltese territory. Additionally, there are grounds to detain if the authorities can prove there are reasonable grounds to believe an applicant subject to a return procedure is applying for asylum to delay or frustrate the enforcement of the return decision, or for the interests of national security or public order, or in accordance with the Dublin III Regulation (Subsidiary Legislation 420.06, Reception of Asylum Seekers Regulations, 2005 Regulation 6). Those who arrive irregularly by plane can also be detained (generally at the airport) until the next available flight (Chapter 217 Laws of Malta, Immigration Act, 1970). In 2023, amendments to the Immigration Regulations introduced new detention possibilities, namely during border checks, to prevent entry into Malta, and in the case that a person refuses to stop or provide information on request (Subsidiary Legislation 217.04, Immigration Regulations, 2004).

A person issued with a return decision and a removal order may also be held in detention (Chapter 217 Laws of Malta, Immigration Act, 1970 Article 14(2)). In the context of returns, families and unaccompanied minors should be detained only as a measure of last resort, and for the shortest time possible (Subsidiary Legislation 217.12, Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations, 2011). Crucially, the detention of vulnerable asylum applicants is prohibited in Maltese law, and no detention order should be issued; if one has been issued, it should be immediately revoked (Subsidiary Legislation 420.06, Reception of Asylum Seekers Regulations, 2005).

From the reinstating of automatic detention of arrivals in 2018, the government relied on public health legislation to detain sea arrivals, prior to the issuance of a detention order. The law provides that a person’s movement may be restricted if they suspect they may have a contagious disease for 4 weeks, which may be extended to 10 weeks (Chapter 36 Laws of Malta, Prevention of Disease Ordinance, 1908). Whilst the government claims that this does not constitute detention, and it is merely a restriction on the freedom of movement, the European Court of Human Rights (ECtHR), the Committee for the

Prevention of Torture (CPT) and even the Court of Magistrates at national level have deemed this de facto detention a deprivation of liberty violating Article 5 of the European Convention on Human Rights (aditus Foundation, 2024b). For the health-based detention, no individual assessment is conducted, and individuals are given very little information, including on challenging the legal basis for the health detention (aditus Foundation, 2024b).

NGOs visiting detention have observed that whilst a detention order will list one of the above reasons as the grounds for detention (usually to verify identity and nationality and/or the risk of absconding), in 2023, it seemed systematic based on the person being from a country where returns are secured and regularly carried out (aditus Foundation, 2024b). For some people coming from these “safe countries”, they never leave detention during their time in Malta – where a bilateral agreement between the two governments is in place and a return can be secured (such as Bangladesh), they are automatically detained on arrival, their asylum claim is assessed using an accelerated procedure, generally rejected as manifestly unfounded due to country of origin, and removal and deportation processes against them begin (aditus Foundation, 2024a).

This paper will assert that the immigration detention practices employed by different Maltese governments over the years constitute a manifestation of State violence. State violence can be both overt and cause physical and psychological damages, inflicted by State actors but also the structural and institutional systems that cause harm and create a social condition that becomes part of everyday life (Butler, 2022):

‘The most insidious forms of state violence are not gory’ (Butler, 2022, p. 23).

This state violence will be examined through a postcolonial lens, bringing in key literature on postcolonial theory, showing detention practices as a form of disciplinary power, as well as the symbolic politics of making a spectacle out of detention practices and immigration control. It will examine the colonial notion of racialised control and “othering” to justify certain actions taken, and the search of Maltese identity intertwined with a “small island syndrome”, which often manifests as nationalism, leaning on postcolonial theories of hybridity. It will also look at the rejection of external influence, and aversion to criticism, and the positioning of Malta as a former colony, undertaking this role of coloniser, over this population of “colonised” and “othered” migrants.

Methodology

This paper applies a theoretical approach to explain the evolving context of immigration detention policy and practices in Malta. Having singled out Malta as the case study as a former colony taking on a coloniser role, this paper employs a review of long-established postcolonial theory from Orientalism to the postcolonial concept of hybridity, and the work of Foucault. There is an extensive body of postcolonial literature, not all of which can be applied to all postcolonial contexts, so the theoretical analysis looks at what applies to the Maltese context of a former colony, and an instigator of state violence in the form of detention. A review of more recent literature on migration control in Europe as postcolonial and violent further brings the literature, including the older theories, to the Maltese context. Ultimately, engaging with the theory and the literature that provides further commentary and analysis on the violence of migration control and detention supports the key argument of this paper – that Malta’s detention practices constitute post and neocolonial state violence against a racialised “other”. Where the literature has focused extensively on the neocolonial practices of former colonial powers, such as the UK, or the notion of asylum seekers and other migrants coming from former colonies, and remaining ever-colonised subjects, the contribution lies in the examining of Malta’s practices, spotlighting various elements of the context of detention practices over many years (and not as a new trend as in the case of other European countries), as a former colony turned coloniser, as a “chosen” part of its State identity. The examination of the practices of a former colony in this context aims to help us understand the parallels with the practices of former coloniser states, but also what sets Malta apart from these countries and delves into the possible reasons why such policy and practice choices are made, and how these link to the island’s complex history. The analysis that follows in this paper sometimes raises more

questions than it answers, especially in light of the lack of specific literature on similar contexts, but explores questions of identity and othering, linking to relevant postcolonial theory in an attempt to dig deeper into understanding the switch from colonised to coloniser. On a broader level, the paper aims to contribute to the literature by bringing in the perspectives of different states, especially those caught in this changing role, as in the case of Malta.

The terminology employed in the discussion of different categories of people who migrate can be contentious (Sajjad, 2018). This paper will refer extensively to “asylum seekers” as a group specifically targeted by migration policy. As detention practices also cover other groups of migrants, the paper will also refer to “rejected asylum seekers” when specificity requires and where relevant, “returnees”, or more broadly “detainees” or “detained persons” when the analysis covers all groups in detention centres. As irregular migration and sea crossings have become a somewhat racialised concept (Sajjad, 2018) as the literature and analysis will show, the paper attempts to refer to “sea arrivals” if the route or mode of arrival needs to be specified, especially given that this group is the most affected by the policy of automatic detention. Terminology questions also come into play with regard to terms relating to colonialism, postcolonialism, neocolonialism, and imperialism, terms used interchangeably throughout the literature. The literature linking postcolonial practices and contemporary migration also often focuses on the perspectives of former empires or the newly and perpetually colonised migrants. This paper contributes an analysis of complex hybrid cases and identities, such as that of Malta.

Theoretical Framework

Looking at the role of a formerly colonised taking on a coloniser role, one can see elements of “lateral colonialism” come into play, first coined by Franklin Knight (Knight, 1990) in writing about people of the Caribbean navigating their post-colonial realities, and naturally forming their own hierarchies in society. Additionally, Said’s theory of Orientalism (Said, 1979) is highly relevant in the analysis of Malta’s migration and detention practices, and the ways in which the colonised (Orientals) represent the “other”, with these representations being used to justify imperialist actions and policies from the West. Whilst “Orientalism” referred to the Middle East, the Far East and Asia, this idea of the “Oriental” is a constructed identity, which, widely speaking, represents the formerly colonised world, and is viewed as a homogenous group based on preconceived ideas. Said also referred to the modern-day “Orient” (former colonies) as often participating in their own form of “orientalising”, linked to the notion of lateral colonialism.

Using Orientalism as the overarching theory to explain racialisation and othering, scholars have also theorised on the colonial nature of this when it comes to modern migration to Europe. Davies et al. posit that it is the legacies of colonialism that lead to the ‘racialized hierarchies’ and ‘racialized control’ in the governance of those arriving by sea, historically also linking to maritime empires (Davies et al., 2021). The authors also ascertain that nationalist ideology shaped by colonial legacies contributes to this racialisation and the construction of hierarchies, and the practice of filtering people at the border without regard for the ‘cost’ (Davies et al., 2021), demonstrating violent practices of this new Orientalism.

The criminalisation effects of immigration detention can also draw upon Foucault’s theory of disciplinary power, and the ways in which institutionalisation can indeed have colonising effects (Foucault, 1995). De Genova has linked the theory of disciplinary power to the migration context and the notion of detention centres as institutions of ‘captivity and confinement’, inflicting this colonial disciplinary power on migrant detainees, alongside the racialisation of practices of criminalisation (De Genova, 2020). He asserts that detention as an expression of disciplinary power, as Foucault theorised in connection to the use of prisons, becomes part of everyday life for a detainee (De Genova, 2020) and the unknown and the waiting in limbo itself becomes part of the discipline (De Genova, 2020).

Other important postcolonial works applicable to this context look at the concept of hybridity and the search for identity for the formerly colonised, covered by the scholarly works of Bhabha (Bhabha, 1988). Other scholars, such as Brennan, comment on this hybrid identity and how it can sometimes manifest as nationalism and patriotism (Brennan, 1990), particularly relevant in examining the Maltese (formerly colonised) response to newcomers and the instinct to protect “their” identity.

An important element of the postcolonial migration context is the fact that many of those coming in mixed migration flows tend to be from former colonies of European powers, a perpetually colonised people, given the neocolonial practices they become subject to upon arrival and beyond. As Bhabra notes, these people have been ‘produced’ not just from early imperialism but even the processes of decolonisation, linking these colonised individuals with their former colonisers (Bhabra, 2017). Danewid also stresses the importance of this historical connection of colonisation as well as slavery, referring provocatively to an ‘umbilical cord’ linking Europe with the migrants arriving, especially by sea (Danewid, 2017).

Also relevant for the Maltese context is the idea of spaces of colonisation. Mbembe has theorised on the colony as a land space of violence and necropolitics (Mbembe, 2003), Davies et al extend this theorisation to the sea, referring to a space of “colonial abandonment and control” (Davies et al., 2021). In a small island state such as Malta, detention practices upon immediate arrival from crossing the sea can be viewed as an extension of this space.

Detention as disciplinary power: “Irregular” migrants as criminals

Deprivation of liberty in the form of the use of detention centres can be seen as a form of incarceration, as the literature and practice shows, and treats migrants as criminals, demonstrating both to migrants themselves, and to the local population that there is a reason for them to be kept there, although arriving by sea and seeking asylum is a human right and not a crime (EU Charter of Fundamental Rights, 2012).

Foucault’s theory of disciplinary power of institutions, such as prisons, as a means of regulating and controlling a section of the population, extensively using surveillance in punitive institutions to shape their behaviour (Foucault, 1995), can be applied to view detention centres as a colonial tool with the notion of constant surveillance, restriction, and control of the colonised (in this sense, detainees), as well as aligning with theories of “the Other” (Said, 1979).

De Genova reflects on the constructed criminalisation of migrants in this regard, commenting on the racialised nature of detention and separating it from that of criminal prison incarceration, referring to detention as a distinctive form of disciplinary power, where the ‘offence’ committed is purely their migration status (De Genova, 2020). Reports of serious psychological harm caused by detention policy and practice in Malta are widely documented, as well as unhygienic and dangerous conditions, beatings, and psychological torture inflicted on detainees (MacGregor, 2021). There is also a poignant paradox here, that an asylum seeker may have fled their country of origin due to a lack of protection from persecution by the state, something that is required for a person to qualify as a refugee (Convention Relating to the Status of Refugees, 1951). It would likely increase their existing fear of state-implemented and state-sanctioned violence in their new host country, with fear also forming an important part of disciplinary power in contributing to the control of a group of people.

Linking the theoretical framing of disciplinary power to concrete examples in Malta can highlight both systemic criminalisation and lived consequences for asylum seekers, grounding the broader theoretical critique in the specific Maltese context, showing how everyday practices mirror criminal incarceration despite no crime being committed. In Malta, upon entering a detention centre, individuals have their personal property confiscated. This includes documentation, items of clothing, money, jewellery, and mobile phones, which can be picked up once they are released. They are required to wear the clothing provided by the Detention Services, contrary to the Detention Regulations (aditus Foundation, 2024b). Even though the law does not provide for such practices, we see mirrored here practices when criminals are imprisoned, despite no crime having been committed. There is also an element of dehumanisation that comes into play – in making immigration detainees all look the same, removing their individuality, a significant part of the control associated with institutionalisation and disciplinary power.

Detention conditions are also applicable in the context. Shifting from analysis of specific practices to institutional critique, which highlights how state choices reinforce systemic control, in 2021, the Committee for the Prevention of Torture (CPT) published its report on Malta following its visit in September 2020, during the COVID-19 pandemic. It mentioned the detention under health legislation,

highlighting its lack of legal basis and the repeated calls from Courts to cease this practice. Furthermore, it stated that conditions appeared to “be bordering on inhuman and degrading treatment as a consequence of the institutional neglect” (Committee for the Prevention of Torture, 2021, p. 7). This institutional neglect highlights the choice of the authorities to implement practices across the board, to control a group they see as meriting such methods of control.

Returning to earlier theoretical arguments of Foucault and De Genova, they can be linked with the lived reality of fear, control, and perpetual vulnerability in Malta. By the very nature of detention upon arrival (also applicable to those later detained for deportation), people become “illegal”, limiting their possibilities and forcing them to constrain themselves (Le Courant, 2019), aligning further with Foucault’s notion that with disciplinary power, those institutionalised people internalise the control imposed upon them (Foucault, 1995). This is supported by De Genova, who refers to those who are systematically criminalised (thus, even after release from detention) as being in a perpetual state of confinement (De Genova, 2020), vulnerable to police abuse and brutality, and continued migration control. This is applicable in Malta’s case, given the system of rejected asylum seekers being targeted for removal, including being returned to detention, leaving people in a state of fear and constant alert, but also having normalised the chances of this happening.

This also shows how detention forms part of a wider system of state-sanctioned violence where law, policy, and practice are very restrictive on people’s lives, in relation to the asylum procedure and the restriction of rights. This expands the argument to situate detention within a larger power system, stressing long-term precarity and neocolonial hierarchies. People living in the community fear being returned to the system of power and criminalisation that is embodied by detention, even when people have been living in Malta many years, with decreasing pathways to regularisation and the threat of detention and removal at any time (Malta Refugee Council, 2024). This is a power tactic and neocolonial threat to remind people that their world can be swept from under them at any time, and the State is the actor and instigator of this power, in a system where migrants remain at the bottom of the hierarchy with no political capital. This demonstrates that migrant lives become so unstable that their lives become disposable from the first experience of detention, given that the threat almost always remains, that this precarity becomes a way of life, and that that to use a phrase used by De Genova, equates to “doin’ hard time on planet earth” (De Genova, 2020, p. 194), perhaps the ultimate expression of the lasting impact of detention as disciplinary power.

Linked to this is also the concept of time that comes into play with this institutionalised discipline and punishment. This introduces temporality as a further analytical dimension of disciplinary power, showing detention as indefinite and destabilising. Whilst imprisonment for a crime usually comes with a specified sentence and time period, very often, immigration detention does not. As explained, it is inflicted on people purely due to their particular legal status, or lack thereof, and is often normalised as an administrative necessity. In Malta, as in many countries implementing detention practices, whilst time limits are stipulated in the law, they are not always adhered to, and a person will often not know the reasons for their detention, as seen in court cases and case studies of detainees (Jesuit Refugee Service Europe, 2024). This prolonged waiting can embody disciplinary power in itself, and the impact that this has on a person, particularly concerning their prospects and future (De Genova, 2020), which, as explained in the Maltese context, may land them back where they started.

When examining manifestations of state violence in detention, it would be remiss not to mention incidents of violence and death in detention centres. The notion of such extremes reinforces the argument of the extent of dehumanisation and exceptional disciplinary power. Many incidents of riots (often as a result of poor conditions and overcrowding) have taken place over the years and have been met with the use of force (aditus Foundation, n.d.). These instances demonstrate the levels of dehumanisation, even in the verdicts of some of the cases, despite evidence of direct violence. These deaths have seemed to serve as a reminder that the rule of law looks different from inside a detention centre, and for those residing there, supporting the notion that the detention centre as a space of disciplinary power sits outside of certain norms (De Genova, 2020).

In April 2011, Ifeanyi Nwokoye, from Nigeria, died of a heart attack after being beaten in Hal Far Detention Centre. He was recaptured after escaping from detention and handcuffed and beaten by

detention officers and members of the Armed Forces. Six years after his death, the soldiers were acquitted of involuntary homicide, but the judge noted that Ifeanyi was not treated with dignity (Agius, 2017).

In 2012, Mamadou Kamara died in the back of a Detention Services van after being 'repeatedly kicked in the groin', with investigations later confirming that excessive force had been used against him (Daphne Caruana Galizia Foundation, 2023).

In 2020, a Sudanese teenager, Nebil Abdula, died while trying to escape. He died from hypovolaemic shock and abdominal injury due to falling from a height. Injuries to his abdomen caused serious internal bleeding, resulting in his death. The incident happened in the early hours of the morning (5.30 am), and despite repeated calls for help, he was not seen by a nurse until almost three hours later and was pronounced dead not long after he had arrived at the hospital. Detainees who witnessed the event said that detention centre staff were seen shaking the fence, causing Nebil's fall. The investigation into this case is still ongoing (Meilak, 2023).

Some of the deaths in Malta's detention system were not the direct result of physical violence from detention staff, such as Zeray Okbaledet, from Eritrea, who made his way back to Malta after being illegally deported. He later died of an asthma attack while waiting to be released from detention. He was a victim of an ordeal put upon him by violent, systematic failures that not only encompassed detention (Massa & Grech, 2005).

Making a public spectacle of immigration control

This marked conceptual shift frames detention practices not only as control over detainees, but also as a performative tool directed at the wider population. This constant looming threat of detention and deportation has increased in the past few years, as previously explained, with the ramping up of immigration control, not only on sea rescue and new arrivals, but also those living in the community, some for many years. Recent incidents, which are widely reported in the Maltese media (eg. Times of Malta, 2023), show aggressive and very public tactics of rounding people up, and taking them to detention to deport them. These raids also bring towns to a standstill, meaning the public sees everything that is going on, and without all the facts, are left to make up their own mind about why people are being removed from their community. In a recent incident, a main road in Ħamrun was closed on a busy weekend afternoon, with numerous vans of the Immigration Police and Detention Services rounding people up, in a clear case of racial profiling (Caruana, 2024), as well as further reinforcing the criminalisation of migrants in the public eye.

Another way that detention practices do this is by the use of handcuffing whenever detainees need to leave the centre, a practice that has been in place for many years and continues to this day. This links the argument of making a spectacle out of detention and immigration control with symbolism and everyday visibility, reinforcing the public side and role in criminalisation. Detainees going to Mater Dei hospital, for example, report feeling like prisoners and drawing the eyes of onlookers (Vaughan-Williams & Pisani, 2020, p. 668). Given the symbolism and association with prison, this immediately criminalises a person in the eyes of a member of the public, handcuffed and escorted by officials, in the same way a prisoner would be. Such practices are not only a display of disciplinary power, but also psychological power wielded on the population, the voters, to make sure they are aligned with the State's view that these people are a threat and must be contained. The assumption remains that, because these people are housed in a centre that they are not allowed to leave, they must indeed be criminals (Mainwaring & Silverman, 2016), making detention a 'spectacle of sovereign control' (Mainwaring & Silverman, 2016).

Research shows that in spite of pleas from governments and policymakers that the use of punitive immigration detention works as a deterrent for "irregular" migration (Mainwaring & Silverman, 2016), it actually does not deter arrivals and mounts up high financial and human costs (Mainwaring, 2018). Additionally, it has been shown that a policy of deterrence does not work as detention policy is not something asylum seekers have known about before leaving home (Mainwaring, 2012). Despite this, as well as its pejorative and damaging impacts on the lives of those detained, criminalised, detention, as

well as incarcerated in the mainstream prison, detention is an important part of the spectacle of Malta showing it is tough on irregular migration (Vella, 2023).

Another tool utilised by the State to use detention as part of making a public spectacle of immigration control is in the discourse and language used, which ties state rhetoric to narratives of securitisation and crisis. With the increase in the use of detention and securitisation measures, the language of security comes into play to impact how people see migrants and the use of detention, but as Bello asserts, the language of prejudice also plays a significant role (Bello, 2022), in convincing the public that those detained are a national security threat. Furthermore, employing the rhetoric that arriving migrants (and increasingly in Maltese government rhetoric, migrants in the community) are a threat, reinforces the discourse of crisis, as a national security threat will also be a crisis to manage (Bello, 2022).

The State also has tools in place to control what, and how much, the general population and other actors see of these practices, also greatly symbolic. This complements the notion of control as a spectacle by demonstrating how visibility is both managed and manipulated by the state. Detention centres in Malta are located in rural areas in the far South of the island, limiting how much people see. The use of military barracks and security fences obscures what can be viewed, as well as reinforcing the illusion of criminality (Mainwaring & Silverman, 2016). Controlling how much the public, as well as NGOs and other actors, can see means also limiting the amount of criticism that may end up directed at the State for their choices in detention practices, as will be further explored. States can, however, increase visibility of the centres and their residents to the fore when issues occur or when control is stepped up, which serves to add to the perception of migrant criminality and that detention is justified (Mainwaring & Silverman, 2016). This has been seen in the Maltese context with coverage of protests and issues from inside the centre's media, painting a deliberate and controlled picture and image of those inside when it suits government messaging, but yet limited access to journalists at other times (Camilleri, 2023).

Making a spectacle of detention not only punishes migrants but also creates further distance between the detainee and the local Maltese person (Mainwaring & Silverman, 2016), likely to impact integration efforts, and constructs an image of the detainee as dangerous, reinforcing the notion of them as the “racialised other” to be afraid of.

The Captain Morgan case

A significant case that demonstrates the ways in which governments can make a spectacle of immigration control, and brings detention practices in Malta into the spotlight, is the Captain Morgan case. The case study illustrates detention as a spectacle and state power, concretising earlier theoretical points.

In April 2020, at the height of the pandemic, the government chartered tourist boats from the company Captain Morgan, designed for short trips out to sea, to hold new arrivals to Maltese territory outside of Maltese territorial waters (Agius, 2020). By the end of the saga, 425 asylum seekers were held on 4 different vessels, for a total of 37 days in stormy weather. They endured medical issues and were kept in deplorable conditions, and once disembarked, were taken for further detention, following their time aboard the ‘floating prison’ (Agius, 2021). This practice was criticised strongly by the Human Rights Commissioner of the Council of Europe, calling for the respect for human rights, but the government maintained its position that it had been ‘abandoned’ by Europe (Agius, 2020), furthering Malta’s position that it will do what is necessary in the management of a crisis. So much so that despite the extensive criticism for the cruelty and extreme nature of such a measure, the government issued an expression of interest in July 2020 (a month after the others were disembarked) to lease another quarantine vessel (DeBono & Khakee, 2025).

Supported by NGOs, 32 asylum seekers held on the Captain Morgan boats opened a case against the government, stating that they were not allowed to seek asylum, were not issued a detention order, and were unable to communicate with family, and access to assistance was not given to them (DeBono & Khakee, 2025). In one court sitting, the Prime Minister was quoted as saying that ‘everyone had to make sacrifices during the pandemic’ (M. P. Camilleri, 2023), demonstrating the normalisation of these

practices, and showing that authorities felt that they needed to visually show their population, in this spectacle, that it was not a time to be lenient on migration, when local people were already suffering. In April 2025, the case was concluded, ruling that the government violated the detainees' fundamental human rights, and the pandemic was not a sufficient emergency situation to justify such measures. The conditions onboard, along with the lack of access on board, including for UNHCR and government agencies, were flagged, as well as the illegality of detention on land after the ordeal (Meilak, 2025b). Although the media and external organisations were kept away from the site of their detention at sea, the symbolic politics of this having taken place is significant, close to the land border, from a government that wanted to demonstrate the hierarchies of citizens on the island, in a time of crisis.

This case can be linked to many of the facets of neocolonialism highlighted in this analysis, including racialisation and "othering" of asylum seekers during a pandemic, where the response clearly prioritised the Maltese over all others (DeBono & Khakee, 2025), as well as colonial logics and maritime imperial histories of the offshoring of asylum (Davies et al., 2021) that seek to ramp up, and in turn, make spectacles of control and a government that can get tough on migration.

Racialised State violence and the "othering" of migrants and asylum seekers

Detention policy and practices cannot be discussed without examining the notion of the racialised "other", which further explicitly connects detention to racialisation and postcolonial theories of "the Other", such as the Orientalising of the colonised (Said, 1979). In Malta, this is reflected in the perception of arriving asylum seekers and migrants as threats, and in efforts to remove those already living in the community.

Looking at the wider European context and tying it in with postcolonial notions of nationalism, Kinnvall has noted how the refusal in Europe to embrace asylum seekers (the racialised other and stranger) represents an 'inward-looking nationalism' (Kinnvall, 2016, p. 156). Nativism can also present as fear of the "Other", and the perception that migrants are "criminals" and "invaders" (Arrocha, 2019), representing a rejection of the newcomer, regardless of their need for welcome and inclusion. This points to Malta's situation and perception of asylum seekers as in keeping with the rest of the West. Asylum seekers are seen as a threat to normality and identity (Walters, 2011), which echoes the sentiment about the threat of losing culture, religion, which has been reported as a perceived threat in Malta (Assimakopoulos & Vella Muskat, 2017).

The practices of detention have contributed to the "othering" of migrants, and as explained, contribute to the symbolic politics that people residing in the detention centres have done something wrong and deserve to be there. Utilising the method of crisis construction to marginalise the migrant population and the mentality of exceptionalism (Mainwaring, 2012), detention contributed to this narrative that Malta is not where these 'racialised and classed migrants' (Mainwaring, 2018) belong, although Malta has long been a country of immigration and emigration, alongside the paradox of the government's focus on the need for migrant labour (Mainwaring, 2018). This is interesting as it already demonstrates a hierarchy of migrants (though the latter is still not treated well (Agius et al., 2024), with the former being criminalised for their means of arrival and their lack of legal status. This racialisation of migrants arriving in Europe is deeply rooted in colonial ideas and nationalism (Davies et al., 2021). These hierarchies incorporate this mode of othering to the point where some lives are rendered more important than others. This notion is supported by De Genova, who refers to the disproportionate racialisation of migrants and refugees (De Genova, 2018). This can be seen in the response to Ukrainian migrants, not only in Malta, but throughout Europe, that even though they qualify for Temporary Protection, they are still asylum seekers, but are not held in detention centres or exposed to policies of control and disciplinary power in the same way as racialised migrants and asylum seekers (Mickelsson, 2025).

The perception of migrants as 'less than human' is what allows detention practices to take place (DeBono, 2013, p. 63) and that the dehumanising practices of 'subjugation and humiliation' of detainees are not unintentional (DeBono, 2013, p. 76) and is the result of the belief that these people are, in fact, less and do not belong – the "Other". This demonstrates the normalisation of such practices, but only for an "othered" population.

As previously outlined by the recounting of extreme violence, detention can become a ‘matter of life and death’ (Mainwaring & Silverman, 2016, p. 8). This ties into the racialisation of the “other” and dehumanisation, in how these incidents were allowed to happen, and further, how they were handled. As DeBono and Khakee also note, the Captain Morgan case, alongside other COVID-19 measures against migrants, further reinforces this, in the removal and restriction of fundamental rights and the ways in which what should have been an expression of humanitarianism turned into repression of rights (DeBono & Khakee, 2025). The concept of lateral colonialism is also applicable in the context of Malta and the mistreatment of asylum seekers detained aboard the Captain Morgan vessels, in that the political message that the Maltese were more deserving of varying levels of state support, made it easier to exclude these people, whilst convincing the population that such measures are necessary (DeBono & Khakee, 2025). This sends a message to the local population that there is indeed a hierarchy, a message particularly strengthened in a pandemic and a constructed crisis of migration (Mainwaring, 2012). Furthermore, we can see “othering” in the spaces that go beyond detention, such as the ‘offshore’ as a space where ‘undesirable and racialized populations can be managed’ (Davies et al., 2021, p. 2309), as is significant in this case, deemed not even deserving enough to be allowed to shore.

This notion of dehumanisation is also seen in the way people are detained for removal. Here, the ‘deportability and disposability’ of migrant lives are linked (De Genova & Roy, 2020, p. 355), and the efforts of the state to “protect” the population from these people, even if they have been present in the country for some time, serving as a reminder that they can be removed at any time, and that despite no longer being subject to detention as they were on arrival, the government has the power to render them back in that situation.

Alongside the migrant as the “racialised other”, De Genova and Roy assert that the Mediterranean itself has become a ‘deeply racialised geography of death’ (De Genova & Roy, 2020, p. 360). In this, they refer to extensive practices of illegalisation, namely lack of sea rescue and deaths at sea, but also to detention policy – how the Mediterranean serves as the stage for this racialisation and dehumanisation.

Constructing “the” Maltese identity in postcolonial Europe

To expand the argument outward, from the racialised migrant to Maltese identity itself, Maltese detention practices can also be strongly tied to national identity politics. Maltese identity is not a singular entity, as with all kinds of national identity. However, in the analysis of state and structural violence, it is necessary to look at identity and how this has been shaped in a postcolonial Malta, to go some way to explaining the use of practices such as the detention of migrants. In some ways, this reflects a quest to conform society into fitting one singular identity. This is often linked to the notion of “small island syndrome”, that the country cannot cope with large influxes of people and, at times, must take strict measures, due to its size. Moreover, in migration control, we see a push to protect territorial sovereignty, which is tied very closely to national identity, especially on a political level.

This question of sovereignty has often led to debate over who is deserving and should have rights, as well as who qualifies as a citizen (Bhambra, 2017), and in the formation of the sovereign nation-state, who deem that migrants do not (or should not) have rights at all. This could arguably be even more of a question for newer nation-states such as Malta, which are also still obligated by the norms of the EU.

This is all closely tied to nationalism and patriotism, linked with the notion of protecting the Maltese from the “invading stranger”. Baldacchino refers to Maltese nationalism as ‘nascent’ in the postcolonial context, reflecting on the ways in which this Maltese identity manifests itself (Baldacchino, 2009). A 2008 petition calling for a stop to illegal immigration presented to Parliament stressed the fear of losing Maltese identity in the “mixing” of Maltese with African migrants, expressing the notion of one single Maltese identity (Bradford & Clark, 2014). This reflects an identity that some Maltese people have constructed, arguably shaped by political rhetoric, despite the colonial history and essentially biologically diverse makeup. Politicians play on this ‘obsession’ with a singular identity (O’Nions, 2010), which works in their favour, particularly in contexts such as Malta that restrict migrant voting, ruling out as much of

the outsiders' perspective as possible. This construction of a singular Maltese identity can also serve governments well in justifying policies and practices of detention, as it is a government response to dealing with this threat to the Maltese way of life.

Baker notes how Saidian interpretations of the "Other" in identity discourse help to understand where this dichotomy of "us and them" comes from (Baker, 2018). This plays into the preoccupation present in the Maltese context of constructing their own identity, and the insecurity around the threat of further "invasion", with nationalism appearing as a smokescreen for this fear – Malta's postcolonial response, mirroring Brennan's postcolonial theories about the emergence of nationalism as part of a postcolonial transition (Brennan, 1990).

The fear of invasion also has to be understood within the historical context of Malta. Catholicism forms a significant part of Maltese identity for many people, with its long, almost 3-century Islamic history seemingly rejected (Gauci & Pisani, 2012, p. 13), which can play into Islamophobic "othering." The fear and racialisation of Muslim people as a category to be feared also comes into play in this regard, highly relevant in Malta's case, and a reflection of how religion often fits into this construction of Maltese identity, and that this "other" is only (incorrectly) associated with racialised migrants (De Genova, 2018), also often placing upon migrants a singular identity.

This relationship with the past can cause conflict in constructing "one" Maltese identity, caused in part by this political partisanship, which still divides the nation (G. Baldacchino, 2009). This polarisation is one aftereffect of colonialism, with the Maltese battling to find their own identity (Monteforte, 2019), with perhaps the negative perception of migrants being something that attempts to unite the nation beyond the rifts that are ever-present. In the discussion of how the pursuit to find and shape a national identity can impact policies and practices of state violence, parallels can be drawn with the work of Demetriou et al., looking at lateral colonialism in Cyprus. Countries like Cyprus are often not included in such discussions surrounding violence and migration, which allows these 'peripheral locations' to enact violent policies without attracting a lot of attention (Demetriou et al., 2023). Malta is one of these peripheral locations, and this reflection also rings true. Global media often places attention on States on the edge of the Mediterranean that are bigger players on the European political scene, such as Italy and Greece, meaning that countries like Cyprus and Malta, shaped by their colonial past, can enact their own violent lateral colonialist policies on the newcomers, and it somehow continues to be justified.

Many of these battles with identity and expressions of nationalism are tied to Malta's smallness – perceived or actual. The impact of postcolonialism is felt very strongly in small island former colonies (Baldacchino, 2019). This "smallness" is often used as a justification for implementing certain migration policies and practices, as was the case with the detention policy of the early 2000s (Lutterbeck, 2009), with the government claiming limitations in size and resources. Malta's size, its geographical position, and 'blue borders' are used to support Malta's government's stance that it is an exception, which has shaped its policies (Mainwaring, 2012).

Whilst there is an undeniable truth to the smallness argument, this is a contradiction given the current boom of over-construction and the importing of foreign labour to the island, which has long been the most densely populated country in Europe, something which is extensively criticised – prioritising economic boom over protection for the environment and for workers, most of whom are imported labour or irregular migrants (The Malta Independent, 2020). In other words, the smallness argument is implemented when it suits and when it needs to justify a particular policy choice, such as detention.

Nimführ and Otto reflected on Malta's smallness as a social product with respect to migration - smallness as an argument against asylum seekers coming to Malta, as an argument for migrants to leave the island, and in the context of lack of documents and status – to keep migrants themselves "small" (Nimführ & Otto, 2021). The authors assert that smallness is a state of mind, which allows Malta to feel separated yet confined, which is shaped by 'colonial and decolonial' dynamics (Nimführ & Otto, 2021). This raises questions about Malta's identity in relation to its geographical and psychologically perceived smallness, highlighting both a superiority and an inferiority complex, in conflict with one another. This can be linked to detention policy in line with successive governments' assertions that detention of arrivals is necessary due to the size of the country and the disproportionate number of arrivals (Mainwaring & Silverman, 2016).

Rejection of external influence

The postcolonial notion of rejection of external influence, and yet being constrained by various norms, is also prominent. This includes an aversion to criticism from those viewed as outsiders, such as the EU and other institutions, as well as civil society actors within the country. This situates Malta's practices within postcolonial resistance to external critique, tying back to sovereignty, nationalism, and structural violence.

The Maltese government often laments a lack of solidarity on migration (Sansone, 2020), frequently reiterating its "smallness" (Freeman & Squires, 2013). Despite support for the EU being generally high (European Commission, 2021), the EU is often blamed by politicians and the public for facilitating "unwanted" migration (Saini Fasanotti, 2021). This rejection can be tied to Brennan's notion of postcolonial nationalism (Brennan, 1990) in that such countries become fatigued with being told what to do by different bodies, construing calls for improvement as a way to exert control.

This rejection of external influence can also be seen in relation to criticism on its own soil, especially from civil society. NGOs have frequently lamented a lack of transparency from the government on various human rights issues, whilst stressing that dialogue with civil society continues to be a cornerstone of a democratic society (Carabott, 2017). This lack of transparency is also linked to practices of detention, reflected in the changes to access and how much NGOs and other external actors are allowed to see what happens inside the centres. Before 2020, NGOs could access the centres to visit people in their living quarters, providing different services. Now access is in place for NGO lawyers only and can only visit detainees in a boardroom at the edge of the Safi Detention Centre (aditus Foundation, 2024b), making it very difficult to provide accurate and up-to-date information, as well as comment widely on conditions, as they have no monitoring role or ability to see. With the visitation restrictions so limited, practitioners have to focus on legal casework, especially given the short time limits for appeals and other matters. The COVID-19 pandemic can be seen as having been used as a mechanism with which to restrict access to NGO services (aditus Foundation, 2024c; DeBono & Khakee, 2025).

However, the pandemic was not the only catalyst for the restriction of access. There have been several cases at the national level that show the extent of the illegality and structurally violent nature of detention practices in Malta. In one example, in *Frank Kouadioané v. the Detention Services*, the Court of Magistrates noted the small number of requests for release that reach the courts despite the number of illegally detained asylum applicants there are, further denoting this as a rule of law issue, people remained in detention without legal basis (*Frank Kouadioane (Ivory Coast) v Detention Services*, 2020). National courts have ruled on a number of habeas corpus cases in recent years, calling for the release of several detainees, some of whom were minors (aditus Foundation, n.d.). As these cases are usually taken to Courts by NGO lawyers, reflections from these NGOs about the timing of these cases and the restrictions to access post-COVID have also shown that there has been an impact in this regard (aditus Foundation, 2024a), a rejection of criticism and expertise, not only of civil society, but also of the country's own judicial institutions, possibly considered the ultimate "betrayal".

Beyond national courts, the jurisprudence of the European Court of Human Rights has also consistently called out detention practices of the Maltese government, castigating the government for detention conditions, detention grounds, and lack of effective remedy (aditus Foundation, n.d.). A recent case worthy of highlighting, particularly linked to the postcolonial notion of rejection of influence and criticism, is that of *AD vs Malta*, a case decided in October 2023. The case involves an Ivorian national who arrived by boat in 2021. Despite claiming to be seventeen, Maltese authorities assessed him as nineteen and detained him for 225 days without legal assistance or a guardian. During detention, he faced severe conditions: limited access to water, medical care, psychological support, and communication in his native language. He experienced harsh winter conditions, inadequate clothing, no outdoor or prayer spaces, and was isolated for 120 days in a cargo container, which led to a decline in his mental health, from which he was already suffering, given significant trauma at sea. He filed a complaint before the ECtHR, citing mistreatment, deprivation of liberty, and lack of an effective remedy. The Court criticised Malta's failure to maintain accurate detention records, the applicant's vulnerable status as a minor, and the conditions of his detention, including isolation and being placed with unrelated

adults (A.D vs Malta, 2023). Following this judgment, there was a slight shift in detention practices towards the end of 2023, with the health-related being shortened to just a few days (aditus Foundation, 2024b).

This, and the numerous other cases taken against Malta in international courts over the years (aditus Foundation, n.d.), particularly shine light on the structural (and sometimes actual) violence of the government's detention regime, showing that these institutions do have an influence and have led to some change. However, rejection of this criticism has been seen in relation to the treatment of civil society organisations, but also detainees themselves, sometimes with the ramping up of this violence. Furthermore, recent calls from the Maltese Prime Minister for an overhaul of the ECHR because it no longer serves its purpose can be seen as a direct response to criticism and punishments from the Courts, especially as in his discourse, he targeted rejected asylum seekers, questioning their deservingness for human rights (Meilak, 2025a).

Conclusion

Immigration detention policy and practices demonstrate a form of state violence in many different ways. It forms part of the wider structurally violent system that "greet" asylum seekers arriving irregularly to Malta, the same system that inflicts policies and practices on them during their time in the community and even many years later, having gone through the long periods of limbo waiting for asylum decisions, appeals etc, to be so often rejected and then detained with a view to removal. This state violence is inherently colonial in the ways it is manifested and inflicted on people, and embodies Malta's shifted role – from colonised to coloniser.

Using a primarily theoretical approach, alongside an overview of context to accompany the theory, leaning heavily on the concepts of Orientalism, hybridity, and lateral colonialism, as well as Foucault's disciplinary power. This paper examined the colonial approach employed by the Maltese authorities, in the form of disciplinary power and institutionalisation, making a public spectacle of immigration control and detention practices, racialisation, and "othering" of the migrants that are detained, as well as how detention and state violence fit with the construction of a postcolonial Maltese identity. Finally, the rejection of external influence and aversion to criticism reflected postcolonial theories of hybridity.

Malta's identity is greatly shaped by its own colonial past, and it has undertaken a quest to no longer be at the lower end of a hierarchy, which can be seen manifested by governments in the control of the arriving "other". All this takes place within the colonial structure of the EU, leading Malta to further question its role and the external influences that attempt to shape policy and practices. Racialised othering further reinforces the power hierarchy and where migrants fall in this, as well as the symbolic politics of the criminalisation of migrants. These messages sent to the public also represent attempts to shape Maltese identity into something anti-migrant. Malta also adopts a mentality of crisis and exceptionalism, using size to justify various migration policies, which also becomes a question of identity.

Whilst there was a time that perhaps Malta stood out more for such harsh practices, this all must now be seen in the global and European context of increasingly more punitive policies towards migrants. In the EU, the incoming EU Pact will almost certainly increase the use of detention and surveillance (Brandl, 2024), which legitimises choices Malta has already chosen to implement for several years. Human rights law and the courts responsible for reinforcing adherence to these laws will continue to have a key role in safeguarding the rights of those who have less of a voice to fight.

References

- A.D vs Malta (European Court of Human Rights 17 October 2023).
[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-228153%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-228153%22]})
- aditus Foundation. (n.d.). Malta's Institutional Neglect of migrants. Retrieved 9 September 2023, from
<https://aditus.org.mt/publications/institutional-neglect/>
- aditus Foundation. (2024a). Asylum Information Database: Country Report—Malta (Update 2023). European Council on Refugees and Exiles (ECRE). https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-MT_2022-Update.pdf
- aditus Foundation. (2024b). Country Report Malta: 2023 Update. European Council on Refugees and Exiles (ECRE). https://asylumineurope.org/wp-content/uploads/2024/09/AIDA-MT_2023-Update.pdf
- aditus Foundation. (2024c, October 25). Access to Detention Facilities. Asylum Information Database. <https://asylumineurope.org/reports/country/malta/detention-asylum-seekers/detention-conditions/access-detention-facilities/>
- Agius, M. (2017, October 27). Soldiers acquitted of involuntary homicide of Nigerian asylum seeker. https://www.maltatoday.com.mt/news/court_and_police/81693/officers_acquitted_of_involuntary_homicide_of_nigerian_asylum_seeker
- Agius, M. (2020, June 6). All four boats carrying 425 asylum seekers to dock in Malta. Malta Today. https://www.maltatoday.com.mt/news/national/102799/captain_morgan_migrant_protest_four_boats_dock#.Xty6LzozZPY
- Agius, M. (2021, October 14). Detainees held on Captain Morgan, Supreme boats sue government for human rights breach. Malta Today. https://www.maltatoday.com.mt/news/court_and_police/112684/captain_morgan_detainees_sue_government_for_breach_of_human_rights
- Agius, S., Borg, M. G., del Buono, C., Zammit, R., Cachia, M., Cauchi, I., & Fenech, G. (2024). Beyond GDP II: Third Country Nationals in Malta: Sharing in our economic future or serving labour market interests? Justice and Peace Commission. <https://jp.church.mt/beyond-gdp-ii/>
- Arrocha, W. (2019). Combating xenophobia and hate through compassionate migration: The present struggle of irregular migrants escaping fear and extreme poverty. *Crime, Law and Social Change*, 71(3), 245–260. <https://doi.org/10.1007/s10611-019-09833-w>
- Assimakopoulos, S., & Vella Muskat, R. (2017). Xenophobic and Homophobic Attitudes: National Report for Malta. Institute of Linguistics and Language Technology, University of Malta.
- Baker, C. (2018). Postcoloniality Without Race? Racial Exceptionalism and Southeast European Cultural Studies. *Interventions*, 20(6), 759–784. <https://doi.org/10.1080/1369801X.2018.1492954>
- Baldacchino, A. (2019). Postcolonialism and Early Childhood Education in Small Island States. *Malta Review of Educational Research*, 13(1), 109–130.
- Baldacchino, G. (2002). A Nationless State? Malta, National Identity and the EU. *West European Politics*, 25(4), 191–206. <https://doi.org/10.1080/713601632>
- Baldacchino, G. (2009). Pangs of nascent nationalism from the nationless state? Euro coins and undocumented migrants in Malta since 2004. *Nations and Nationalism*, 15(1), 148–165. <https://doi.org/10.1111/j.1469-8129.2009.00360.x>
- Balzan, J. (2024, November 6). Over 3,300 individuals deported from Malta in five years. Newsbook Malta. <https://newsbook.com.mt/en/over-3300-individuals-deported-from-malta-in-five-years/>
- Bello, V. (2022). The spiralling of the securitisation of migration in the EU: From the management of a 'crisis' to a governance of human mobility? *Journal of Ethnic and Migration Studies*, 48(6), 1327–1344. <https://doi.org/10.1080/1369183X.2020.1851464>
- Bhabha, H. K. (1988). The Commitment to Theory. *New Formations*, Number 5(Summer 1). https://www.professores.uff.br/ricardobasbaum/wp-content/uploads/sites/164/2022/03/Bhabha_Commitment_to_Theory.pdf

- Bhambra, G. K. (2017). The current crisis of Europe: Refugees, colonialism, and the limits of cosmopolitanism. *European Law Journal*, 23(5), 395–405. <https://doi.org/10.1111/eulj.12234>
- Bradford, S., & Clark, M. (2014). Strangers on the Shore: Sub-Saharan African “Irregular” Migrants in Malta. *Journal of Immigrant & Refugee Studies*, 12(1), 9–26. <https://doi.org/10.1080/15562948.2013.877703>
- Brandl, U. (2024, October 14). Mix and Match. Detention, “De-Facto Detention” or just Restrictions of Freedom of Movement in the New Pact. EU Migration Law Blog. <https://eumigrationlawblog.eu/mix-and-match-detention-de-facto-detention-or-just-restrictions-of-freedom-of-movement-in-the-new-pact/>
- Brennan, T. (1990). The National Longing for Form: Post-Structuralism and The Culture of National Ide. In H. Bhabha, (Ed.), *Nation and Narration: Post-Structuralism and The Culture of National Ide* (pp. 44–70). Routledge.
- Butler, P. (2022). The Problem of State Violence. *Daedalus*, 151(1), 22–37.
- Camilleri, C. (2023, December 15). Maltese Court rules that Access to Detention Centres by Public Watchdogs is key to holding authorities to account. <https://aditus.org.mt/maltese-court-rules-that-access-to-detention-centres-by-public-watchdogs-is-key-to-holding-authorities-to-account/>
- Camilleri, M. P. (2023, July 4). “Everyone had to make sacrifices during pandemic,” Abela says in Captain Morgan case. Newsbook Malta. <https://newsbook.com.mt/en/everyone-had-to-make-sacrifices-during-pandemic-abela-says-in-captain-morgan-case/>
- Carabott, S. (2017, September 7). NGO platform warns that government’s lack of transparency is a threat to human rights. Times of Malta. <https://timesofmalta.com/article/ngo-platform-warns-that-governments-lack-of-transparency.657432>
- Caruana, A. (2024, December 8). ‘Government is making a public spectacle out of immigration control’ – JRS Malta. The Malta Independent. <https://www.independent.com.mt/articles/2024-12-08/local/Government-is-making-a-public-spectacle-out-of-immigration-control-JRS-Malta-6736266364>
- Chapter 36 Laws of Malta, Prevention of Disease Ordinance, Pub. L. No. 36 (1908). <https://legislation.mt/eli/cap/36/eng>
- Chapter 217 Laws of Malta, Immigration Act, Pub. L. No. 217 (1970). <https://legislation.mt/eli/cap/217/eng>
- Committee for the Prevention of Torture. (2021). Report to the Maltese Government on the visit to Malta carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 22 September 2020. Council of Europe. <https://rm.coe.int/1680a1b877>
- Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137 (1951). <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>
- Danewid, I. (2017). White innocence in the Black Mediterranean: Hospitality and the erasure of history. *Third World Quarterly*, 38(7), 1674–1689. <https://doi.org/10.1080/01436597.2017.1331123>
- Daphne Caruana Galizia Foundation. (2023, May 22). Mamadou Kamara—PILN lawyers file claim against Maltese State on behalf of victim’s daughter. <https://www.daphne.foundation/en/2023/05/22/mamadou-kamara>
- Davies, T., Isakjee, A., Mayblin, L., & Turner, J. (2021). Channel crossings: Offshoring asylum and the afterlife of empire in the Dover Strait. *Ethnic and Racial Studies*, 44(13), 2307–2327. <https://doi.org/10.1080/01419870.2021.1925320>
- De Genova, N. (2018). The “migrant crisis” as racial crisis: Do Black Lives Matter in Europe? *Ethnic and Racial Studies*, 41(10), 1765–1782. <https://doi.org/10.1080/01419870.2017.1361543>
- De Genova, N. (2020). ‘Doin’ Hard Time on Planet Earth’: Migrant Detainability, Disciplinary Power, and the Disposability of Life”. In *Waiting and the Temporalities of Irregular Migration* (1st ed.). Routledge.

- De Genova, N., & Roy, A. (2020). Practices of Illegalisation. *Antipode*, 52(2), 352–364. <https://doi.org/10.1111/anti.12602>
- DeBono, D. (2013). 'Less than human': The detention of irregular immigrants in Malta. *Race & Class*, 55(2), 60–81. <https://doi.org/10.1177/0306396813497880>
- DeBono, D., & Khakee, A. (2025). Repression Without Compassion: Forced Migration Governance at the EU's Southern Frontier. *Journal of Immigrant & Refugee Studies*, 1–15. <https://doi.org/10.1080/15562948.2024.2426695>
- Demetriou, O., Constantinou, C. M., & Tselepe, M. (2023). Lateral colonialism: Exploring modalities of engagement in decolonial politics from the periphery. *Third World Quarterly*, 44(9), 2173–2190. <https://doi.org/10.1080/01436597.2023.2226607>
- European Commission. (2021). Standard Eurobarometer 95—The key indicators: MALTA. <https://europa.eu/eurobarometer/surveys/detail/2532>
- European Parliament. (2015, September 30). Parliamentary question—E-013344/2015: Agreement between Italy and Malta on disembarkations. https://www.europarl.europa.eu/doceo/document/E-8-2015-013344_EN.html
- Falzon, N. (2024, August 29). "Regularise those you have allowed to make Malta their home": Civil Society Press Statement on the recent arrest and detention of Ethiopian nationals. Aditus Foundation. <https://aditus.org.mt/regularise-those-you-have-allowed-to-make-malta-their-home/>
- Foucault, M. (1995). *Discipline and punish: The birth of the prison* (A. Sheridan, Trans.; Second Vintage Books edition). Vintage Books, a division of Random House, Inc.
- Frank Kouadioane (Ivory Coast) v Detention Services (First Hall Civil Court 29 October 2020). <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1341>
- Freeman, C., & Squires, N. (2013, July 21). EU immigration: 'Malta is the smallest state, and we are carrying a burden that is much bigger than any other country'. The Telegraph. <https://www.telegraph.co.uk/news/worldnews/europe/malta/10192458/EU-immigration-Malta-is-the-smallest-state-and-we-are-carrying-a-burden-that-is-much-bigger-than-any-other-country.html>
- Gauci, J.-P., & Pisani, M. (2012). ENAR Shadow Report 2011-2012: Racism and related discriminatory practices in Malta. European Network Against Racism (ENAR).
- Jesuit Refugee Service Europe. (2024, February 5). Detention Under the Spotlight: Issue No. 5—Malta. <https://jrseurope.org/en/resource/detention-under-the-spotlight-issue-5-malta/>
- Key facts and figures | European Union. (n.d.). Retrieved 24 May 2025, from https://european-union.europa.eu/principles-countries-history/facts-and-figures-european-union_en
- Kinnvall, C. (2016). The Postcolonial has Moved into Europe: Bordering, Security and Ethno-Cultural Belonging: The Postcolonial has Moved into Europe. *JCMS: Journal of Common Market Studies*, 54(1), 152–168. <https://doi.org/10.1111/jcms.12326>
- Knight, F. W. (1990). *The Caribbean, the genesis of a fragmented nationalism* (2nd ed). Oxford University Press.
- Le Courant, S. (2019). Imposture at the border: Law and the construction of identities among undocumented migrants. *Social Anthropology*, 27(3), 472–485. <https://doi.org/10.1111/1469-8676.12572>
- Lutterbeck, D. (2009). Small Frontier Island: Malta and the Challenge of Irregular Immigration. *Mediterranean Quarterly*, 20(1), 119–144. <https://doi.org/10.1215/10474552-2008-038>
- MacGregor, M. (2021, February 1). Claims of physical torture, suicide attempts by detained migrants in Malta. Info Migrants. <https://www.infomigrants.net/en/post/30007/claims-of-physical-torture-suicide-attempts-by-detained-migrants-in-malta>
- Mainwaring, C. (2012). Constructing a Crisis: The Role of Immigration Detention in Malta. *Population, Space and Place*, 18(6), 687–700. <https://doi.org/10.1002/psp.1721>
- Mainwaring, C. (2018, August 20). Malta's History of Failed Migration Deterrence. The New Humanitarian. <https://deeply.thenewhumanitarian.org/refugees/community/2018/08/20/maltas-history-of-failed-migration-deterrence>

- Mainwaring, C., & Silverman, S. J. (2016). Detention-as-Spectacle. *International Political Sociology*, olw016. <https://doi.org/10.1093/ips/olw016>
- Malta Refugee Council. (2024, August 29). "Regularise those you have allowed to make Malta their home": Civil Society Press Statement on the recent arrest and detention of Ethiopian nationals. <https://malta-refugeecouncil.org.mt/Press-Statement-Regularise-those-you-have-allowed-to-make-Malta-their>
- Massa, A., & Grech, H. (2005, February 8). Inquiry after Eritrean dies at Safi Barracks. *Times of Malta*. <https://timesofmalta.com/article/inquiry-after-eritrean-dies-at-safi-barracks.99777>
- Mbembe, A. (2003). Necropolitics. *Public Culture*, 15(1), 11–40. <https://doi.org/10.1215/08992363-15-1-11>
- Meilak, N. (2023, May 9). Investigation into Ħal Far detainee death still ongoing two years on. *Malta Today*. https://www.maltatoday.com.mt/news/national/122767/investigation_into_al_far_detainee_death_still_ongoing_two_years_on
- Meilak, N. (2025a, March 30). Decoding Abela's 'human rights' reform. *Malta Today*. https://www.maltatoday.com.mt/news/national/134294/decoding_abelas_human_rights_reform
- Meilak, N. (2025b, April 10). Government violated migrants' rights in 2020 detention on tourist boats. *Malta Today*. Government violated migrants' rights in 2020 detention on tourist boats
- Mickelsson, T. B. (2025). Ukrainian Refugees' Differentiated Treatment: A Critical and Systematic Review. *Global Networks*, 25(1), e12502. <https://doi.org/10.1111/glob.12502>
- Ministry for Home Affairs and Security. (2015, December 30). Strategy for the Reception of Asylum Seekers and Irregular Migrants. <https://cdn-others.timesofmalta.com/ee87eb6093978ddf835be5759bc86d018724f3a8.pdf>
- Ministry for Justice and Home Affairs & and Ministry for the Family and Social Solidarity. (2005). Malta: Irregular Immigrants, Refugees and Integration Policy Document. <https://www.refworld.org/legal/decrees/natlegbod/2005/en/17238>
- Monteforte, V. (2019). Moral balance, reciprocity and the Politics of Memory in post-colonial Malta. *Journal of Maltese History*, 6(1).
- Nimführ, S., & Otto, L. (2021). (Un)Making smallness: Islands, spatial ascription processes and (im)mobility. *Island Studies Journal*, 16(2), 39–58. <https://doi.org/10.24043/isj.173>
- O'Nions, H. (2010). What Lies Beneath: Exploring Links Between Asylum Policy and Hate Crime in the UK. *Liverpool Law Review*, 31(3), 233–257. <https://doi.org/10.1007/s10991-010-9080-y>
- Said, E. W. (1979). *Orientalism* (1st Vintage Books ed). Vintage Books.
- Saini Fasanotti, F. (2021, May 28). Malta under pressure. GIS Reports Online. <https://www.gisreportsonline.com/r/malta-eu-migration/>
- Sajjad, T. (2018). What's in a name? 'Refugees', 'migrants' and the politics of labelling. *Race & Class*, 60(2), 40–62. <https://doi.org/10.1177/0306396818793582>
- Sansone, K. (2020, May 4). Malta left to fend for itself, Bartolo in latest tirade over lack of EU solidarity on migration. *Malta Today*. https://www.maltatoday.com.mt/news/national/102102/malta_left_to_fend_for_itself_bartolo_in_latest_tirade_over_lack_of_eu_solidarity_on_migration
- Subsidiary Legislation 217.04, Immigration Regulations, Pub. L. No. 217.04 (2004).
- Subsidiary Legislation 217.12, Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations, Pub. L. No. 217.12 (2011). <https://legislation.mt/eli/sl/217.12/eng>
- Subsidiary Legislation 420.06, Reception of Asylum Seekers Regulations, Pub. L. No. 420.06 (2005). <https://legislation.mt/eli/sl/420.6/eng>

- The Malta Independent. (2020, May 1). 'After Covid-19, let's build an economy based on justice' — Moviment Graffiti. <https://www.independent.com.mt/articles/2020-05-01/local-news/After-Covid-19-let-s-build-an-economy-based-on-justice-Moviment-Graffiti-6736222656>
- The People for Change Foundation & Integra Foundation. (2016). Migration in Malta: Country Profile 2015. International Organization for Migration (IOM). <https://publications.iom.int/books/migration-malta-country-profile-2015>
- Times of Malta. (2023, September 17). 32 people found living in Malta illegally in police raids. <https://timesofmalta.com/articles/view/32-people-found-living-malta-illegally-police-raids.1055686>
- UNHCR. (2018). Malta Asylum Trends 2005-2015. https://www.unhcr.org/mt/wp-content/uploads/sites/54/2018/05/8_2005-2015_fs.pdf.pdf
- UNHCR Malta. (n.d.). Figures at a Glance. UNHCR Malta. Retrieved 13 April 2024, from <https://www.unhcr.org/mt/figures-at-a-glance>
- Vaughan-Williams, N., & Pisani, M. (2020). Migrating borders, bordering lives: Everyday geographies of ontological security and insecurity in Malta. *Social & Cultural Geography*, 21(5), 651–673. <https://doi.org/10.1080/14649365.2018.1497193>
- Vella, M. G. (2023). Detention by sea, imprisonment by air: An analysis of the get-tough policy approach to the infringement of migration law in Malta. *Mediterranean Journal of Migration*, 1(1), 28–48.
- Walters, M. A. (2011). A General Theories of Hate Crime? Strain, Doing Difference and Self Control. *Critical Criminology*, 19(4), 313–330. <https://doi.org/10.1007/s10612-010-9128-2>



‘A’ is for Alien, but also Albanian: Negotiating Identity when Migrating to Malta: An Autoethnography

Estela Rama¹ 

Independent researcher

Abstract

This article examines the complex dynamics of identity negotiation among Albanian migrants in Malta using the narratives of four family members to explore the multifaceted experiences of migration. Through a collaborative autoethnographic approach, the author integrates personal stories with broader social constructs, highlighting themes of attachment and loss, language barriers, discrimination, and acculturation. The study provides insight into the emotional and social processes shaping identity within the Mediterranean migration context. By adopting a reflexive stance, the author explores her role in the research process, ensuring methodological rigour and ethical responsibility. This autoethnographic exploration contributes to a deeper understanding of the intersections between personal and collective experiences of migration, while offering a unique perspective on identity formation within the Mediterranean migrant experience.

Keywords: migration, identity negotiation, autoethnography, Albanian migrants, Mediterranean

‘A’ is for Alien

Estela: Mum, why do we have (A) on my ID card?

Mum: Because we’re foreigners.

Estela: Or maybe Albanian?

Friend A: Why do you have an (A) on your ID card?

Estela: Because we’re foreigners.

Friend A: What does it mean?

Estela: I don’t really know, maybe Albanian.

Friend B: No, it’s not Albanian, it means Alien.

Estela: A is for Alien...why Alien?

The Maltese Citizenship Act (2017) uses the term “alien” to refer to non-citizens, a term the International Organisation for Migration (2019) equates with “foreigner” or “non-national.” However, “alien” carries a negative, dehumanising connotation, implying distance and otherness. For this reason, terms like “non-national” or “migrant” are recommended as more respectful alternatives. Nunez (2014) explored the hierarchical nature of labels such as “citizen”, “immigrant,” and “alien.” The comparison was made to observe the nature of membership and belonging. She concluded that these terms encode hierarchical and status-based views of membership. Nunez (2014) found that the term “aliens” is typically placed at the bottom in terms of semantic desirability, and the association is often one made with notions of criminality and invasion, while “immigrants” fall in the middle, associated with

¹ For correspondence: estela.rama1@gmail.com

vulnerability, and “citizens” at the top, perceived as responsible and engaged members of society. The use of “alien”, she argues, reinforces social and legal exclusion by rendering them as the “Other”, stripping non-citizens of humanity and belonging.

But also, Albanian?

For over 45 years, Albania endured a brutal communist dictatorship under Enver Hoxha, the period being marked by extreme isolation, repression, and the suppression of information and movement (De Waal, 2005). Western European powers largely ignored the country's plight, leading to Albanians being labelled the “forgotten Europeans” (Parliamentary Assembly, 1992). After the regime fell in 1991, emigration was no longer punishable by death, allowing people to leave legally for the first time (De Waal, 2005). Early migration was mostly male-dominated, with women typically migrating alongside men (Stecklov et al., 2010).

Albanians' understanding of the outside world was mostly derived from Italian television, and many initially emigrated irregularly – crossing into Greece or using smugglers to reach Italy (King & Vullnetari, 2015). In the early stages of post-communist migration, Albanian migrants were often seen through a humanitarian lens as victims of dictatorship, both by the media and host societies (Schwandner-Sievers, 2008; Vathi, 2015). However, this sympathy quickly faded in Italy and Greece, where Albanians became heavily stereotyped and often associated with crime and trafficking (Mai, 2005; Cava et al., 2018). Although these stereotypes do not reflect the broader Albanian community, they have had a profound impact on how Albanians are perceived and treated abroad (Schwandner-Sievers, 2008).

Introduction

Whenever I heard my friends talk about how their parents got them to like The Beatles or Pink Floyd, or any other interests, I would envy them. I would envy that their parents had the experience and the time to share such interests with them. What I learned from my parents was the need to work hard. Working hard meant being constantly tired, lacking the energy to be with your children, waking up at 4 am to catch a ferry, getting kicked during a football match, and picking yourself up all the same, being bullied because of a name, and not being allowed to manifest vulnerability.

Migration is often depicted as a story of physical displacement or economic hardship (Castles & Miller, 2014), yet my family's experience reveals a far more intricate narrative. This study explores the experience of a migrant family negotiating or forming an identity in the host country. It explores if and how the cultural, societal, and political factors of the host country impact individual family members, together with their formation and negotiation of identity.

The process of migration implies crossing not only geographical borders, but also psychological, emotional, and behavioural boundaries (Castles & Miller, 2014). This study is also a reflection of a shift in my experience of being a migrant. It enabled a process whereby I started unpacking the word migrant, the experience of being a migrant together with my family, and finally integrating it within my identity.

The first time that I addressed culture and identity was due to an assignment in my Master's degree. I sought to examine the concept that “an individual cannot, through introspection and self-examination, understand herself or the forces that mould her life, without understanding culture” (Thomas & Sillen, 1972, as cited in Lago, 2006, p.192).

I wondered to what extent my identity was influenced by my family, and how we were influenced by each other's identities. I wondered about how we were influenced by the experience of work, community, school, and services. I questioned whether – and to what extent – culture was valued. I considered how migrating to Malta had impacted our sense of identity. I also wondered whether, and how, we had adapted, and what compromises we had to make. Finally, I asked myself whether, and in what ways, our experiences were related to others'.

Following these reflections, I extended my examination of migration, culture, and identity by making them the central focus of this study. Before delving into this research, I distanced myself from the term 'migrant' and its associations with poverty, limited education, and social marginalisation. To me, the

label seemed ill-fitting, and I identified more readily with the term 'foreigner', as my experience felt distinct from what I understood to be the 'typical' migrant story. However, as I engaged more deeply with the migrant experience both academically and personally, I began to understand that migration is not simply a physical relocation; it is a profound transformation that reshapes one's sense of self. At the heart of this exploration is the question: how does migration affect the negotiation of identity within the context of family and collective history? These questions are not merely intellectual – they are deeply personal, rooted in the process of understanding my own place within the transnational history of Albanian migration.

Broader themes emerged through this study – language, stereotyping, belonging, and otherness – particularly from the interviews conducted with my family members. By analysing their migration narratives, I identified these recurring motifs, which I then sought to contextualise and support through existing literature. This process of synthesis allowed me to connect personal histories with theoretical frameworks, enriching my understanding of how migration shapes identity over time.

To guide this exploration, I drew upon social constructionism as the theoretical framework. This approach challenges the notion of fixed, essential identities and instead emphasises how identities are continuously shaped through social processes, language, and cultural norms (Burr, 1995). In this context, migration is not merely the movement of people but a dynamic process of negotiating identity in response to societal structures, discourses, and relationships (Gannon, 2013). Central to this framework is the role of language in constructing and maintaining notions of belonging, as well as how language both reflects and reinforces societal stereotypes about migrants (Perude, et al., 1990).

This study adopts autoethnography as its primary methodology, offering a deeply reflective lens through which to examine the migrant experience via personal and collective narratives. In line with social constructionism, which challenges the idea of objective, universal knowledge, autoethnography explores how identities are shaped by cultural and social forces, including language (Adams, et al., 2015). Autoethnography offers a unique opportunity to combine personal storytelling with academic analysis, allowing me to engage both as a researcher and participant in the study of migration and identity (Jones, et al., 2013).

The narratives of my family's journey from Albania to Malta not only expose tensions between expectations and reality but also the intricate challenges of identity negotiation, attachment, and the emotional consequences of displacement. These themes, which emerged from the interviews conducted with my family members, reflect the complexities of migration and its lasting impact on personal and collective identity. The interviews revealed how these individuals navigated the delicate balance between maintaining cultural ties and adapting to new environments. Through this, I came to understand the emotional weight of migration – where connection to the homeland and the experience of displacement often collide, reshaping the way identity is formed and reformed over time.

By weaving together individual and collective narratives, this article examines the multifaceted nature of migration – how it is shaped by socio-economic factors, cultural tensions, and the internalised language of belonging (Bruner, 1990). The process of conducting interviews with my family members – navigating the delicate balance between researcher and relative – has underscored the relational and emotional complexities inherent in autoethnographic research (Johnson & Rowlands, 2008). This article also reflects on the limitations of my methodology. It offers insights into how conducting a deeply personal study shaped my understanding of migration, identity, and the roles I occupy as a researcher, counsellor, and finally as an individual.

By tracing these intricacies, I seek to contribute to a deeper understanding of how migration is experienced and narrated. The process of identity formation for migrants is one of constant negotiation – between belonging and exclusion, between home and away, between self and the other.

Through this reflective account, I aim to offer new perspectives on how migration can reshape not only the external circumstances of individuals but also their very sense of who they are in relation to the world around them.

Literature Review

Migration is a complex, multifaceted experience that extends far beyond the physical relocation of individuals from one place to another (Castles & Miller, 2014). Whether driven by economic need, political conflict, or the pursuit of a better life, migration can lead to profound personal and familial transformations (Castles & Miller, 2014). Writing this study bore witness to my family's process of negotiating and renegotiating the meaning of identity through the experiences of migration, loss, acculturation, and vulnerability. Sharing our stories puts us on the same playing field. As we shared our experiences, we became equally vulnerable to each other, which made us realise the significance of each experience. In working on this collaborative autoethnography, I recognised the value of each experience, which added to my understanding of the migration process. Including multiple voices challenged my understanding of our experience of migration by uncovering the taken-for-granted aspects of each individual identity.

As individuals traverse between their homeland and the host society, they are not only reshaping their physical and social environments but also reconfiguring their self-concept in response to various external and internal forces (Alvarez, 1999). This literature review explores the emotional, psychological, and social dimensions of migration, with a particular focus on how language, stereotypes, and attachment shape identity formation in the context of forced migration or relocation.

Theoretical Framework

The process of migration and its effects on identity formation can be understood through several key theoretical perspectives. Theories such as Social Identity Theory, Attachment Theory, and discourse analysis provide a conceptual basis for understanding how migration affects self-perception, social integration, and emotional regulation. These frameworks allow researchers to explore how language constructs and deconstructs belonging, how stereotypes influence self-perception, and how attachment-related challenges shape emotional regulation during the migration process.

Social Identity Theory (Tajfel & Turner, 1979) and Attachment Theory (Bowlby, 1969) together offer a comprehensive understanding of the psychological and social challenges migrants face. Migration forces individuals to navigate between in-group ties such as cultural and familial bonds and out-group pressures, including the norms of the host society (Kristal-Andersson, 2000). This can generate an identity crisis, as migrants may feel compelled to assimilate but also encounter resistance, both from societal stereotypes and internal conflicts over cultural preservation (Miller, 1986).

Attachment Theory deepens this aspect by emphasising how migration disrupts primary attachment bonds, particularly when emotional support is lacking (Van Ecke, 2005). This disruption can lead to difficulties in emotional regulation, trust, and relational stability (Dopp & Cain, 2012). These attachment challenges intensify the identity negotiation process described by Social Identity Theory, complicating migrants' integration into new social groups (Simpson & Rholes, 2017). Discourse analysis further reveals how societal narratives and media representations of migrants shape public attitudes as well as personal self-conception, adding a further layer to the psychological complexity of migration (Burr, 1995). Together, these frameworks highlight the intertwined social and emotional dimensions of identity renegotiation in the migrant experience (Falicov, 2003).

Language

Language, both a tool of communication and a marker of identity, plays a crucial role in the migrant experience (Vathi, 2015). According to Perdue et al. (1990), collective pronouns such as "we", "us", "our", and "they" are powerful in fostering in-group cohesion and establishing social boundaries. Through language, individuals communicate their sense of belonging, often constructing a dichotomy of "us" versus "them", where the out-group is seen as fundamentally different and often inferior (Nunez, 2014; Miller, 1986). This dynamic is particularly salient for migrants, whose linguistic abilities (or lack thereof) shape their social positioning and integration within the host society (Ainslie, et al., 2013; Alvarez, 2019).

From a personal perspective, I have often experienced how language situates me within or outside the dominant social group. As an immigrant, my sense of self has been shaped not only by my internal dialogue but also by the external categorisation of others. The constant negotiation between the languages of my heritage, Albanian, and the languages of my adopted country, Maltese and English, has meant that I am perpetually shifting between identities. Language becomes a tool for navigating between cultural expectations, creating a complex interplay of belonging and exclusion (Grosjean, 2001; Rovira, 2008). This linguistic duality mirrors the fragmentation I have felt in terms of self-identity, as I constantly moved between the worlds of "us" and "them", my heritage versus the new society.

In Burr's (1995) analysis, language is embedded within the social and cultural discourses that structure our understanding of reality. These discourses, often laden with power and status, shape how we perceive ourselves and others (Burr, 1995). In the context of migration, language is not just a means of communication but a way of negotiating social power (Foucault, 1984; Fiske et al., 2010). When we first arrived in Malta, our inability to speak the language fluently became a significant and visible barrier. Not only did it hinder practical communication, but it also isolated us from forming deeper connections within the new society. The language barrier was symbolic of a deeper emotional and cultural gap that was difficult to bridge.

Stereotypes

Stereotypes are another crucial factor in the migration experience, as they often serve to reinforce societal divisions (Deaux, 2001). Social identity theory suggests that individuals tend to favour their in-group, viewing the out-group as homogeneous and inferior (Swann & Bosson, 2010). For migrants, these stereotypes often take the form of negative labels, based on ethnicity, nationality, or perceived difference. These labels not only reduce the complexity of individual lives but also position migrants as "Other", fundamentally different from the mainstream population.

The creation of "Otherness" plays a significant role in shaping how migrants perceive themselves. Lawson and Garrod (2003) argued that stereotypes confine individuals to narrow identities, hindering their ability to integrate into the host society. This process of marginalisation is deeply psychological, forcing individuals to confront an image of themselves shaped by external judgement. From my own experience, the stereotype of the migrant as a foreigner and outsider was internalised and became a limiting factor in our social integration. At times, I struggled to be seen beyond the reductive labels imposed upon us, which created a sense of alienation.

For many migrants, the pressure to either assimilate into the dominant culture or maintain one's ethnic identity creates an internal conflict (Kristal-Andersson, 2000). The desire for belonging and acceptance can lead to self-effacing behaviours, where the individual suppresses aspects of their identity to fit into the mainstream (Kristal-Andersson, 2000; Ainslie, et al., 2013). This self-alienation often breeds feelings of disconnection, as the migrant navigates a fine line between cultural preservation and social conformity. The tension between "being oneself" and "fitting in" is a continuous emotional struggle, one that often results in profound psychological consequences (Miller, 1986).

Renegotiating identity

Renegotiating identity in the context of migration is an ongoing process. Joseph (2016) emphasised that identity is not a static possession but a dynamic, ever-changing construct that is continually negotiated. This understanding has been liberating for me, as it allows me to see that identity is something I actively perform, shaped through my choices, experiences, and interactions with others. Migration has not just been a journey of physical relocation but a continuous process of self-making, one that is still ongoing.

Writing this autoethnography has provided me with a profound opportunity for self-reflection. As I examined my family's migration story, I could see how our collective experiences of displacement shaped my personal identity. The emotional scars left by migration, separation from extended family, cultural dislocation, and the need to constantly prove my worth –all contributed to the renegotiation of

who I am. This renegotiation is not about finding one's fixed identity but about acknowledging the fluidity of identity and embracing the multiplicity of selves that emerge from migration.

Ultimately, migration is not a linear process but a dynamic, ongoing renegotiation of identity - one that extends beyond moving and settling (Castles & Miller, 2014). Migration is not simply a matter of deciding to go abroad, following a series of steps, and being done. This article highlights the emotional and psychological complexity of migration, offering both a personal and theoretical lens through which to understand the broader implications of displacement and identity transformation.

Methodology

Autoethnography served as a key framework for this inquiry. Autoethnography allows for a unique blend of personal narrative and critical cultural analysis, enabling a deeper understanding of the migrant experience (Hernandez & Ngunjiri, 2013). Adopting this methodology, I have examined how my own story of migration and that of my family can shed light on the emotional and psychological dimensions of identity construction, offering insights that bridge personal experience with broader social and cultural contexts.

Conducting autoethnography was not solely about uncovering the narrative of migration, identity, and belonging. It was about re-engaging with my own history, recognising how my family's experiences shaped my own, and navigating the deep emotional terrain that this process entailed. The relational and emotional aspects of autoethnography are not only central to its practice but also to its capacity to shed light on the nuanced and lived realities of migration (Adams et al., 2014).

All family members referenced in this research, by their familial roles, provided informed consent to be identified as such. Participation was voluntary, and all individuals were fully briefed on the scope, purpose, and use of the information within the context of this study. Their consent included permission to disclose their familial role in relation to the participant while ensuring that no personally identifiable information was revealed beyond that designation.

Interviews take on "postmodern sensibilities" by blurring the boundaries between the roles of interviewer and interviewee to diminish the societal power dynamic (Borer & Fontana, 2008). As I came to realise the role of active participation in the interview, I had to become reflexive by acknowledging who I was in the interview, what I would bring to it, and how it would be constructed (Hertz, 1997). I have become more aware of issues of representation. Each individual member of the family and I were working together to construct our narrative. The awareness of the roles played in the interview exchange has led interviewers to try to capture and represent them (Borer & Fontana, 2008). Thus, to be able to represent each member, I expressed their lived experience and included multiple realities. The interviews were open-ended, with minimal interruptions, allowing respondents to use their own language and narrative style to encourage elaboration of personal experiences (Mishler, 1986). They followed an unstructured format, in which I, as the interviewer, relied on personal skill to adapt to the shifting dynamics of the interaction (Borer & Fontana, 2008).

The interview method is typically determined by the research question posed earlier. Research that is descriptive, exploratory, and requiring qualitative data focusing on the 'what' and 'how' calls for in-depth interviewing (Johnson & Rowlands, 2008). In-depth interviewing is intersubjective in the sense that the interviewer's perceptions and understanding change through interactions with the interviewee. Using in-depth interviewing, a deeper understanding allows the interviewer to grasp multiple views and meanings (Johnson & Rowlands, 2008). While conducting these in-depth interviews, I had to be self-reflective and self-conscious about my interactions with others (Johnson & Rowlands, 2008), since personal and intimate information is commonly elicited in in-depth interviews, with ethical responsibility firmly placed on the interviewer (Austin, 2008).

Data was therefore collected through semi-structured interviews with research participants, according flexibility in the exploration of their individual migration narratives. The interviews were audio-recorded with consent and conducted in a quiet, private setting to support openness and emotional safety. After conducting the interviews, they were transcribed in full and integrated into a narrative chapter that wove together the migration stories of each participant. I refer to close family members

using relational terms (“my mother”, “my father”, “my sister”) rather than using names, in order to preserve their privacy while maintaining the intimacy of the narrative. Where sensitive or potentially identifiable information is included, consent was obtained or the details were modified to protect anonymity. To ensure ethical integrity and collaborative authorship, I read the completed narrative back to the participants, inviting their feedback and ensuring that they were comfortable with the way their voices and experiences had been represented.

For the scope of this article, I have carefully selected excerpts that best represent the key themes while also aiming to preserve the context and emotional depth of the participants’ stories. These quotes were chosen not only on the basis of their relevance but also to allow the reader to meaningfully engage with the broader narrative, despite the absence of the full text.

Ethical Considerations

The ethical considerations of conducting research with family members are multifaceted and require constant negotiation between the desire for knowledge and the protection of emotional integrity. Etherington (2004) emphasises that ethical research is not simply about adhering to formal codes but also about demonstrating emotional care in the research process. In my study, ensuring the well-being of my family members – particularly my parents – was paramount. As Austin (2008) suggested, the researcher’s emotional investment cannot be separated from the process, and thus the researcher must be attuned to the impact their work has on the participants, especially when personal histories are at the forefront.

Informed consent was obtained from all participants. Pseudonyms have been used to protect their identities, and the family members mentioned in interviews are referred to by role only (e.g., “mother”), and this was done with participant consent. In cases where family members might be identifiable, additional consent was obtained from them to ensure ethical transparency.

The difficulty of balancing the pursuit of truth with emotional care became particularly clear during my interviews with my mother and father. Both resisted delving into certain aspects of their migration stories, either by avoiding direct answers or by providing brief, emotionally distant responses. This raised the ethical dilemma of whether it was right to interrogate further in the name of research, or whether I should respect their boundaries and discontinue the interview process. I came to the realisation that while the goal of research is to uncover meaningful insights, these insights must not come at the expense of emotional harm. Another significant ethical moment occurred during the process of reading the narrative chapter aloud to my family. This collective reading was not only an opportunity to check for accuracy and obtain consent regarding what would be publicly shared but also a profound moment of mutual vulnerability. This was a pivotal moment in my understanding of the ethics of autoethnography, where the research process itself became an act of emotional negotiation and mutual respect (Ellis, 2007; Hernandez & Ngunjiri, 2013).

Autoethnography as a Process of Relational Research

Autoethnography, both as a methodological and relational approach, enabled me to explore the intersections of identity, migration, and belonging through a deeply personal lens. It offered a space not only for intellectual inquiry but also to engage in the ethical and emotional complexities that arise when one’s own history becomes the subject of research. The reflexive nature of this method required me to navigate the delicate balance between academic rigour and emotional authenticity, particularly in representing the lived experiences of my family. As Mendez (2013) notes, reflexive inquiry demands confronting one’s vulnerabilities, a reality that became central to my research process. Revisiting my own migration story, and especially those of my family members, caused a range of difficult emotions, such as grief, anger, guilt, and loss, to surface. Writing about these experiences was both cathartic and deeply challenging, as I struggled to maintain an emotionally sustainable distance between myself and my academic role.

The emotional labour of autoethnographic work cannot be overstated. It requires sustained engagement with the tensions between personal truth and scholarly analysis. As Douglas and Carless (2013) suggest, autoethnography is never purely theoretical; it is an embodied and affective process that involves continual negotiation of identity and meaning. In my case, writing was more than an academic task; it became a process of re-experiencing and reframing my life narrative. This dual role of researcher and participant was especially apparent during family interviews, where I found myself situated within, rather than outside, the stories being narrated. The emotional intensity of those moments underscored the complexity of conducting research from within one's own community. Yet it also revealed the power of autoethnography to convey migration not merely as a sociopolitical event, but as a profoundly human experience, one that shapes the stories we tell, the silences we carry, and the identities we continue to perform.

Confronting the Limitations of Data

As a data collection tool, memory posed significant challenges to the rigour of this study. Kivel and Johnson (2009) have emphasised that memory is both a powerful tool to construct identity and a fraught source of data due to its subjective nature. In my research, memory was not always reliable. I frequently found myself questioning the accuracy of recollections, especially when these conflicted with the narratives of family members. The process of translating these memories into coherent narratives raised the question of whether personal recollections, often influenced by emotion and the passage of time, could be considered a finding in itself.

Despite the challenges, I argue that memory, with all its imperfections, plays a crucial role in autoethnography, particularly when exploring the emotional dimensions of migration. Through Burr (1995)'s argument that social and cultural discourses shape our understanding of the past, I was able to acknowledge the fluidity and subjectivity of memory. Rather than seeing these limitations as obstacles to rigour, I came to view them as integral to understanding the emotional complexity of migration. Memory did not simply reconstruct a factual history; it illuminated the feelings of loss, resilience, and transformation that shaped my family's migration journey.

Negotiating the Roles of Researcher and Relative

One of the most significant challenges in this study was the negotiation of my roles as researcher as well as family member. As Diebel (2008) pointed out, maintaining objectivity in qualitative research is often illusory, particularly when the researcher is personally connected to the subject. In my case, the blurred boundary between researcher and relative was both a strength and a limitation. My intimate knowledge of my family's history provided rich insights, but it also made it somewhat difficult to maintain professional distance during interviews. For instance, when interviewing my sister, I found it impossible to remain detached and open to her narrative. We shared the common experience of migration, and her emotions mirrored mine in many ways. At times, the interview became less about collecting data and more about a mutual act of emotion-sharing. I had to remind myself of my role as a researcher, but being emotionally affected and personally entangled in the very narratives I was exploring became an essential part of the data collection process.

Similarly, during the interviews with my parents, I was not merely an academic researcher; I was a daughter revisiting painful memories alongside them. As Gearing (2008) asserted, the relationships between interviewer and interviewee are shaped by their shared histories and emotional connections. The power dynamics shifted constantly, and my role as daughter often intertwined with my role as researcher, complicating the data collection process. Yet, these complexities also deepened my understanding of how migration impacts families – not just individually, but relationally.

Narratives

The Migrant Footballer

My father's migration journey began with a chance encounter: a football scout noticed his talent while playing in Albania, offering him the opportunity to move to Malta and play professional football.

"The green light came and gave me the opportunity to get away from life over there. I immediately accepted the offer, and I had decided to come to play football in Malta..."

The migration of football players, particularly in the 1990s, became a recognised and legitimate form of labour migration (Maguire & Stead, 1998). This movement across borders in search of better economic opportunities and professional growth has since become commonplace in the world of football (Van Campenhout, et al., 2019). However, despite the allure of higher wages and professional status, the transition to a foreign country also carried significant emotional and psychological challenges.

"He would spend most of his time training for football because that's what he was here for. After training, he would go to an empty room and ponder on the people he left behind, unable to communicate with his loved ones or hear his children's voices. He was alone with his thoughts."

Playing football in Albania granted some privileges and class status in society.

"I, for example, was privileged there. I had a very good wage, better than policemen, teaching professionals, medics. I was treated in a very entitled way, in all aspects..."

His experience of status in Albania was challenged when he migrated, which may have created a discontinuity in his sense of self (Ainslie, et al., 2013).

Upon moving to Malta, my father quickly found that expectations of performance were high, both on and off the field. As a key player, he was expected to be the team's all-around contributor – scoring, defending, and maintaining midfield control.

"Even if they just kicked me during games, I would get up I never gave up or got back to them. I was tough, I wasn't scared, I always picked myself up, and I would never think of acting injured..."

The pressure was immense, and he faced stress, job-related anxiety, and physical demands that left little room for personal growth (Hollander, et al., 1995; Nesti, et al., 2012). The responsibility of being the highest-paid player meant that any failure in performance would be blamed on him, further compounding his stress.

An additional challenge was the language barrier, which not only hindered daily communication but also affected on-field interactions with teammates. Language, as a central tool of communication and identity, plays a crucial role in how migrants adapt to their new environments (Elliot, 2013). Losing the ability to speak his native language left my father feeling isolated, as language plays a vital role in organising self-identity (Ainslie, et al., 2013). This sense of loss, combined with the demands of a foreign environment, made it difficult for him to adjust both professionally and personally.

"It was stressful too, not knowing a word to communicate with, at the age of 35, it wasn't easy not knowing to speak a language. I would pick up a word or two here and there..."

Despite these challenges, the support my father received from the football club played a significant role in easing his transition. The provision of accommodation, timely payment of his salary, and assistance in moving our family to Malta helped to create a sense of stability. However, the yearly renewal of his contract added uncertainty and anxiety to his life (Paris, 2016). The constant need to renew work documents and contracts created a precarious existence, preventing long-term planning and contributing to stress (Brownrigg, et al., 2012).

"...every month, my parents would renew their documents to be able to live here. Only my father had the right to work, and all of us depended on these documents."

This placed immense pressure on him, a burden that was intensified by his role as the sole breadwinner. Football, which had always been a central part of his identity, became more than just a personal passion – it turned into a financial lifeline, supporting not only our immediate family but also extended relatives in Albania. This sense of obligation, compounded by the absence of a clear path forward in his career, meant that my father was frequently preoccupied with the risks of financial instability and job insecurity.

"We would think, ok, maybe this is the last year that it will be renewed, so maybe we'll go back, but then the next year came and it was renewed again. That means we were never stable and settled, and we never knew exactly what we were going to do."

Immigration activated the mourning processes: mourning parents, siblings, and the broader network of relations that organise identities (Ainslie, et al., 2013). Moreover, in the first seven years, my father was unable to return to Albania due to the documents and migration policy. Such inability to visit or attend funerals caused an ongoing inner struggle and living with the guilt of not being able to go back home (Lumaj, 2017). As Baldassar (2014) argues, guilt and guilt trips are intricately tied to these relational expectations, serving as emotional responses to divergent understandings of caregiving obligations across time and space.

"Our grandparents got older and they also got sick, but we couldn't visit them. We didn't have the money to go back, and it wasn't allowed to travel back, especially after having applied for the residence permit. Our parents didn't get to be next to their parents when they passed away; they only got to know through that telephone booth on the monthly call. "She died and I couldn't go..."

The Broken Shoe Heel

For my mother, migration represented both a loss and an opportunity. Leaving behind family, friends, and a comfortable life in Albania was an emotional upheaval. The lack of experience in international travel added to her uncertainty, and she arrived in Malta with only minimal belongings, including a broken shoe heel. This symbolic item represented not only a material loss but also an emotional one – the sense of leaving behind a life that could never be fully reconstructed.

"It wasn't easy because we couldn't speak to our families, because we didn't have phones, you know, it was expensive to call...you would have to queue to make a call... it depended also on the weather..."

The monthly call would be very quick but also very intense. All the updates would be given at that moment. We would call on some holidays, or when we would celebrate an event, but it wasn't the same. Back in Albania, feasts would always bring the whole family together. The entire family would meet up and celebrate, but here in Malta, we couldn't do that. We didn't have anyone to celebrate with."

The initial shock of migration was marked by feelings of confusion, anger, and disillusionment. My mother had been promised a better life abroad, yet the reality of our new situation was far from what she had envisioned. The stark difference between expectations and reality intensified her feelings of loss and insecurity (Cwerner, 2011).

"The moment I arrived here, everything was different, you know, but I had the thought that I would find things better abroad, but it was worse. It was much, much worse."

The experience of migration is also accompanied by the process of mourning a variety of losses (Garza-Guerrero, 2016): the mourning of familiar objects, smells, tastes, sounds, and of culture itself

(Ainslie, et al., 2013). Although people and places are left behind, they remain keenly present in memory and in rituals (Falicov, 2003).

"There were moments when I cried without you seeing me obviously... and I would just ask myself, 'why did we come here?'... but it was mostly when there was a feast or celebration that I would feel it ...We were used to staying together..."

Language barriers further complicated my mother's adaptation to her new life. Unable to communicate effectively in either Maltese or English, she struggled to express herself, leading to feelings of inferiority and isolation and, at times, a painful sense of invisibility, as if her presence and voice were unnoticed or unacknowledged (Kristal-Andersson, 2000).

As a result, she was often misunderstood and mistreated (Alavez, 2008).

"There is nothing worse than being told that even if you didn't do anything wrong, that they can do whatever they want with you and that you can't do anything about it... at the end I had no rights, I didn't have the money to go to a lawyer, and so I had to let it go..."

These experiences created a discrepancy between her actual individual capacities and what she was able to communicate (Ainslie et al., 2013).

"Mum used to try to communicate with signs and pointing, simply trying to explain to the shopkeeper that she needed sheets because we didn't have any. She used to manage with some form of sign language. They didn't have phones to translate for them back then."

These communication difficulties not only affected her social interactions but also her ability to support us as we adapted to the new environment. As children, we assumed the role of interpreters, helping her navigate bureaucracy, medical appointments, and other essential tasks. This "language brokering" shifted the family dynamics and increased the responsibility placed on us as children (Titzmann, 2011).

"Our parents were not well informed of the system here, and they didn't know anyone who could help them. They couldn't speak or read English very well, and occasionally this would hinder their ability to make certain decisions (Rama, 2020, p.26)."

The difference between our acculturation process and hers led to feelings of guilt and helplessness as we played the role of translators/interpreters (Ali, 2008). The feelings of guilt arose because, as a parent, she recognised that the challenges she faced in fulfilling her maternal obligations had intensified over time, while her capacity to meet these expectations had diminished. This disconnect between her desires and her ability to care for her children led to a deep sense of guilt (Ali, 2008).

"It wasn't very easy because you were still very young, there was no one to take care of you and to look after you. I would say, 'but we need to work because it wasn't enough'. You wanted things like all the other kids, but we weren't able to provide these things, so I would tell myself that I needed to work because it wasn't enough."

The decrease in parental authority and control is often associated with the incongruity felt due to acculturation (Bush, et al., 2010). Acculturation differences between parents and children create conflict. Parents may have difficulties letting go of norms or developmental expectations and rearing practices that are more appropriate in their country of origin (Alvarez, 2019). Being faced with a different value system caused my mother to compare and question her values (Kristal-Andersson, 2000).

Immigrant parents face the challenging task of reconciling two cultures and making sense of what they observe (Nesteruk & Marks, 2011). While the transmission of autonomy, achievement, and personal values was prioritised over the deliberate cultivation of a distinct ethnic identity (Vathi, 2015), elements of Albanian identity were nonetheless conveyed in more subtle and indirect ways.

"We somehow were different, different in the way we spoke to our teachers and to adults. We were responsible, considerate, and we paid attention to small gestures. We were available to help others, and we were loyal to our friendships. We were most definitely outspoken and opinionated."

In response to experiences of discrimination and pervasive negative stereotypes, our parents often chose not to emphasise ethnic identity explicitly (Vathi, 2015). Instead, identity was communicated through the rejection of stigmas associated with being Albanian, as well as the implicit reinforcement of certain cultural norms and behaviours. These influences were not immediately recognised as being culturally specific; rather, they were simply perceived as aspects of our parents' individual personalities or parenting style. It was only later in life that we came to understand these traits as reflective of a broader Albanian cultural framework, highlighting the blurred boundaries between personal and cultural identity in the context of migration.

My mother's struggle with identity and belonging was further complicated by her role as a migrant parent. Acculturation differences between her and us created tension, as she adhered to the norms and practices from Albania while we, as children, adapted more quickly to the local culture (Alvarez, 2019).

"...as my parents would say, I have Maltese habits. That was mostly used when they disliked something I did."

The shifting dynamics in our family structure and the change in my mother's working role in Malta were difficult adjustments. Despite the hardships, my mother remained determined to ensure that we succeeded academically and integrated well within the new society, even as she grappled with her own feelings of loss and alienation.

We persisted in getting Maltese citizenship, as it would have given us a sense of safety since we would then not be deported from the country (Anderson, 2013).

"Five years passed, we applied for the residence and passport, nothing happened for years and years, five more years passed, almost ten years, they told us no, now it has been extended because there were other issues...We had settled here, we were at school, we paid taxes, and we followed the usual procedures like everybody else. Yet, we did not have the same rights. Every year, we would have to apply for a working permit; every time, we would have to go through the whole process of registering."

Citizenship is seen as a signal to the individual immigrant that they are regarded as a member of the host community, on equal footing with the native population (Simonsen, 2017). Thus, "withholding immigrants the right to citizenship may be a powerful tool that can undermine the ability of newcomers to belong" (Wright & Bloemraad, 2012, p. 79), and conversely for immigrants who naturalise (Simonsen, 2017).

Children of Migrants

"In Albania, my sister used to play outside with other kids. They played football, rolled in mud, rode bicycles, and Nana would take her on some trips to Shkodra, where all the cousins used to gather."

For my sister and me, migration had profound implications for our emotional and psychological development. As children, we experienced loss not only in a physical sense, leaving behind extended family, but also in terms of the cultural and social connections that defined our identity.

"We didn't have any cousins to play with here or family to go to. Sometimes it felt quite lonely. From time to time, I would play alone on the porch, cooking up some limestone dust mixed with water."

Loss, both physical and symbolic, can be a destabilising experience for children, leading to confusion, emotional turmoil, and a sense of disconnection from both past and present (Hooyman &

Kramer, 2006; Kuehn, 2013). The separation from our extended family and the dislocation from the familiar social and cultural fabric of Albania led to feelings of insecurity and longing.

From an attachment perspective, displacement and the absence of close family connections in Malta contributed to a sense of insecurity in our emotional relationships. The lack of a consistent support network, coupled with the loss of familiar caregivers, activated feelings of fear and anxiety (Bowlby, 1969; Van Ecke, 2005). This sense of insecurity was exacerbated by the pressures of adaptation in a foreign environment and the internalised fear of abandonment that can arise in migratory contexts.

"I can't speak English as well as I should, I can't speak Maltese as well as I should, and I can't read, write, or speak Albanian as properly as I should..."

As children, we quickly became multilingual, learning both Maltese and English to function in school and society. However, this linguistic flexibility also disconnected us from our cultural roots. While Albanian remained an important part of our ethnic identity, the emphasis on learning English and Maltese created a fluid sense of belonging (Vathi, 2015). We found ourselves straddling two cultures, negotiating between them as we tried to make sense of who we were in a new context. The language barriers faced by our parents and the role we played in mediating between them and the outside world led to shifts in family dynamics, with us assuming responsibilities that would typically fall to the parents (Titzmann, 2011).

"We visited various offices, though I could not tell which one was which; all I knew is that there was always a queue. People there would be huffing and puffing; some were walking back and forth, some were holding their kids closely to them, and we were there, waiting for our turn. I always seemed to entertain myself by looking around and observing people. Agitation and a sense of heaviness was quite a normal feeling in these places. We would accompany Mum so that we could translate just in case she was told something which she couldn't understand."

This experience of 'role reversal' often resulted in a loss of childhood innocence and a shift in family hierarchies, as my sister assumed greater responsibility for our family's integration and survival. She became more mature than her peers, assuming a mentor-like role in our family, which further distanced her from others her age (Vathi, 2011). This sense of agency, although empowering, also created a gap between her and the community, as she had to prioritise family obligations over socialisation and personal development.

"So, being close to my parents, it has allowed us to grow up faster, so it was not necessarily easy to... create relationships with my friends simply because my opinions were not of a 15-year-old but of somebody who was a 30-year-old..."

Being able to identify with our parents' dreams and sacrifices, we set out to achieve in school and integrate into society (Falicov, 2003). As children, we adopted characteristics associated with the 'migrant identity' by being self-sufficient, studying harder than others, being more goal-oriented, and achieving the migration goal of having a better future (Falicov, 2003).

"My mother would encourage me to work harder than I did; regardless of how I felt, she would tell me to study more, to read more, or to do extra work. After all this work, I would get a good grade, which I would want to proudly show to my mum. However, she would always say, "You can do better".

After seven years of living in Malta, we were granted a visa to visit Albania. This return visit to our home country allowed us to reconnect with family and cultural roots that had been severed by migration. For my sister, the visit was particularly significant, as it was her first opportunity to reconnect with her childhood and extended family. The experience of return was a bittersweet one, tinged by feelings of nostalgia and loss for what had been left behind (Falicov, 2003).

"I didn't want to come back to Malta because I had this sense of family ... this sense of belonging ... people taking care of you ... it was not just your parents taking care of you ... there were uncles, aunties, cousins, and that was really nice."

For my sister, the visit served to 'restore' a sense of belonging, even though the experience was fraught with contradictions. On one hand, it rekindled familial bonds and emotional connections. On the other hand, it highlighted the gap between the opportunities available in Malta and the emotional and social support found in Albania. The return visit underscored the complexities of identity for children of migrants – caught between two worlds, two identities, and a sense of belonging that was never fully realised in either place (Vathi, 2015).

"I'm Albanian, but I'm ok here, but still I'm Albanian ... no no still ... I feel Albanian but I live here..."

My family's experiences highlight the emotional and psychological complexities of migration. For my father, the journey was marked by professional pressures, identity shifts, and uncertainty. For my mother, migration was an arduous transition that involved language barriers, economic hardship, and the struggle to maintain cultural and familial connections. For my sister and me, migration meant navigating a dual identity, balancing the expectations of our Albanian heritage with the realities of life in Malta. Ultimately, our migration story is one of continuous adaptation, identity transformation, and the quest for belonging in a world that is constantly shifting.

Writing as Witnessing

Drawing on Falicov's (2003) metaphor of soil residue on a plant's roots, I recognise that my past – my family's migration and cultural identity – remains deeply embedded in who I am today. Rather than washing away this history, I have learned to honour it as an essential part of my personal and professional growth.

Through autoethnography, I have explored how migration has influenced my sense of self and shaped my work as a counsellor. Inspired by the work and ideas of Lago (2011) and Hook et al., (2017), I have embraced cultural humility, recognising that effective practice involves ongoing self-reflection and sensitivity to each client's unique cultural context. My early counselling placements – working with children, football players, and migrants – were unconsciously shaped by my own migration story. These experiences deepened my empathy and pushed me to adapt my practice in ways that promote inclusion and empowerment. As Ryde (2011) and Sparkes (2002) suggest, this has been a space for processing, witnessing, and integrating the emotional complexities of identity and migration. This study has become a part of that process – bearing witness to my evolving understanding of self, culture, and the transformative power of therapeutic work.

In line with Holman Jones (2005)'s research, this study is an attempt to "set a scene, tell a story, weave intricate connections among experience and theory, evocation and explanation," and ultimately, to witness my own journey and the journeys of those I serve (p. 756). By sharing my own story, alongside the stories of my family, I hope to offer readers an opportunity to reflect on their own experiences of migration, identity, and belonging. I decided that after collating all narratives into one account, I would share it with the rest of the family. I recognised the narrative as a co-constructed account; thus, sharing it would create a space of involvement and dialogue (Finlay, 2002). I wanted to ensure that my family knew what was being written about them and to reassure them that they had been represented fairly. Having to read the narrative account to them was most probably the hardest part of the entire research process. I wondered what they would be thinking, and whether I had made a mistake in their narrative. Would they feel I had undermined their experience? What if we all ended up being extremely emotional? I feared that they would be hurt by what I wrote, or by the way I had collated the narratives. Ellis (2007)

describes that we often operate under the fear of the unknown, and we do not know how interviewees will react to what we write.

I wanted to read it to them, firstly because my parents struggle with reading English, but also because it would give me a sense of relief. I wanted to acknowledge their struggles, perhaps hoping that they would acknowledge my own. My sister decided that she wanted the narrative to be read to her separately, a request which I respected. Both my parents sat across the table, both looking at me. I could not look at them, so I sat head down, gazing at my screen. I explained my reasons for reading the narrative to them, namely to check for the accuracy of representation of their subjective experiences, for them to be aware of what would be public, and therefore to allow them to make any changes or comments.

It took me nine lines for my voice to break. From the corner of my eye, I could see that my father was also getting emotional. It took me eighteen lines for tears to well. This time, I did not have the box of tissues available, but the kitchen roll made for a good substitute. We were all getting emotional, and everyone had a tissue, just in case. It was an emotional rollercoaster, I felt nauseous but also felt the rush of adrenaline. They were happy with the narrative. However, my father was concerned that perhaps we would offend the 'Maltese'. Now it was my sister's turn; she had wisely brought her own packet of tissues. "I know how this goes, by now", she said. Similarly, it was an emotional read for my sister, and it also generated more discussion about these experiences.

Writing this study has not only been an academic exercise, but also a deeply personal and transformative process that has allowed me to better understand myself and the work I do as a counsellor. In this way, I hope that my journey resonates with others, offering both insight and a call for further exploration in the field of counselling and migration.

References

- Adams, T., Holman Jones, S., & Ellis, C. (2015). *Autoethnography: Understanding qualitative research*. Oxford University Press.
- Ali, M. A. (2008). Loss of parenting self-efficacy among immigrant parents. *Contemporary Issues in Early Childhood*, 9(2), 148–160. <https://doi.org/10.2304/ciec.2008.9.2.148>
- Alvarez, M. (1999). The experience of migration: A relational approach in therapy. *Journal of Feminist Family Therapy*, 11(1), 1–29. https://doi.org/10.1300/J086v11n01_01
- Ainslie, R. C., Tummala-Narra, P., Harlem, A., Barbanel, L., & Ruth, R. (2013). Contemporary psychoanalytic views on the experience of immigration. *Psychoanalytic Psychology*, 30(4), 663–679. <https://doi.org/10.1037/a0034588>
- Austin, W. (2008). Relational ethics. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 748–749). Sage Publications.
- Baldassar, L. (2014). Guilty feelings and the guilt trip: Emotions and motivation in migration and transnational caregiving. *Emotion, Space and Society*, 16(2), 67–74. <https://doi.org/10.1016/j.emospa.2014.09.003>
- Borer, M., Fontana, A. (2012). Postmodern trends: Expanding the horizons of interviewing practice and epistemologies. In J. F. Gubrium, J. A. Holstein, A. B. Marvasti, & K. D. McKinney (Eds.), *The Sage handbook of interview research: The complexity of the craft* (2nd ed., pp.24-61). Sage Publications.
- Bowlby, J. (1969). *Attachment and loss: Volume I: Attachment*. Basic Books.
- Brownrigg, A., Bur, V., Locke, A., & Bridger, A. (2012). “You don’t know what’s around the corner”: A qualitative study of professional footballers in England facing career-transition. *Qualitative methods in psychology bulletin*, 14, 1–25. – http://eprints.hud.ac.uk/id/eprint/14384/1/Brownrigg_et_al_%282012%29-Finished_%282%29.pdf
- Bruner, J. S. (1990). *Acts of meaning*. Harvard University Press.
- Burr, V. (1995). *An introduction to social constructionism*. Routledge.
- Bush, K., Muruthi, B., Bohon, S., & Kim, H. (2016). Adaptation among immigrant families. In C. A. Price, K. R. Bush, & S. J. Price (Eds.), *Families & change: Coping with stressful events and transitions* (5th ed., pp. 307-332). Sage Publications.
- Castles, S., Haas, H., & Miller, M. (2014). *The age of migration: International population movements in the modern world* (5th ed.). The Guilford Press.
- Cava, A., Parito, M., & Pira, F. (2018). Beyond aesthetics of pity. Italian media representation of migrants and emotional audience. *Working Paper Series*, (3), 50-81. <http://www.mediterraneanknowledge.org/publications/index.php/wps/article/view/127>
- Cwerner, S. B. (2011). The role of migration in identity formation: The challenges of re-integrating back to the homeland. *Sociology*, 45(6), 1164–1181. <https://doi.org/10.1177/0038038511416547>
- De Waal, C. (2005). *Albania today: A portrait of post-communist turbulence*. I.B.Tauris.
- Diebel, A. (2008). Neutrality in qualitative research. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 555–556). Sage Publications.
- Dopp, A. R., & Cain, A. C. (2012). The role of peer relationships in parental bereavement during childhood and adolescence. *Death Studies*, 36(1), 41–60. <https://doi.org/10.1080/07481187.2011.573175>
- Douglas, K., & Carless, D. (2013). A history of autoethnographic inquiry. In S. Holman Jones, T. Adams, & C. Ellis (Eds.), *Handbook of autoethnography* (pp. 1–10). Left Coast Press.
- Deaux, K. (2001). Social identity. In J. Worell (Ed.), *Encyclopedia of women and gender*. (pp.1-9). Academic Press.

- Elliot, R. (2013). Brits abroad: A case study analysis of three British footballers migrating to the Soproni Liga. *Soccer and Society*, 15(4), 517–534. <https://doi.org/10.1080/14660970.2013.828594>
- Ellis, C. (2007). Telling secrets, revealing lives. *Qualitative Inquiry*, 13(1), 3–29. <https://doi.org/10.1177/1077800406294947>
- Etherington, K. (2004). *Becoming a reflexive researcher: Using ourselves in research*. Jessica Kingsley Publishers.
- Falicov, C. (2003). Immigrant family processes. In F. Walsh (Ed.), *Normal family processes: Growing diversity and complexity* (pp. 280–300). Guilford Press.
- Gannon, S. (2013). Sketching subjectives. In S. Holman Jones, T. Adams, & C. Ellis (Eds.), *Handbook of autoethnography* (pp. 228–243). Routledge.
- Garza-Guerrero, A. C. (2016). Culture shock: Its mourning and the vicissitudes of identity. *Journal of American Psychoanalytic Association*, 22(2), 408–429. <https://doi.org/10.1177/000306517402200213>
- Gearing, R. E. (2008). Bracketing. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 63–64). Sage Publications.
- Grosjean, F. (2001). The bilingual's language modes. In J. L. Nicol (Ed.), *One mind, two languages: Bilinguals language processing* (pp. 1–22). Wiley-Blackwell.
- Government of Malta. (2017). *Maltese Citizenship Act (Cap. 188)*. <https://legislation.mt/eli/cap/188/eng/pdf>
- Hernandez, K. A., & Ngunjiri, F. (2013). Relationships and communities in autoethnography. In S. Holman Jones, T. Adams, & C. Ellis (Eds.), *Handbook of autoethnography* (pp. 262–281). Routledge.
- Hertz, R. (1997). *Reflexivity and voice*. Sage Publications.
- Hollander, D., Meyers, D., & LeUnes, A. (1995). Psychological factors associated with overtraining: Implications for youth sport coaches. *Journal of Sport Behavior*, 18(1), 3–20. https://www.researchgate.net/publication/285680246_Psychological_factors_associated_with_over_training_Implications_for_youth_sport_coaches
- Holman Jones, S. (2005). Autoethnography: Making the personal political. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 763–791). Sage Publications.
- Hook, J., Davis, D., Owen, J., & DeBlaere, C. (2017). Cultural humility: Engaging diverse identities in therapy. *American Psychological Association*.
- Hooyman, N. R., & Kramer, B. J. (2006). *Living through loss: Interventions across the lifespan*. Columbia University Press.
- International Organization for Migration. (2019). *Glossary on migration* (No. 34, International Migration Law Series). <https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration>
- Johnson, J., Rowlands, T. (2012). The interpersonal dynamics of in-depth interviewing. In J.F. Gubrium, J. A. Holstein, A. B. Marvasti, & K. D. McKinney (Eds.), *The Sage handbook of interview research: The complexity of the craft* (2nd ed., pp.99-115). Sage Publications.
- Joseph, J. (2016). Historical perspectives on language and identity. In S. Preece (Ed.), *The Routledge handbook of language and identity* (pp. 19–34). Routledge.
- Kaur, R. (2017). *The sun and her flowers*. Andrews McMeel Publishing.
- King, R., & Vullnetari, J. (2003, July 06). *Migration and development in Albania*. University of Sussex. <http://sro.sussex.ac.uk/11053/>
- Kivel, B., D & Johnson, C. W. (2009). Consuming media, making men: Using collective memory work to understand leisure and the construction of masculinity. *Journal of Leisure Research*, 41(1), 109–133. <https://doi.org/10.1080/00222216.2009.11950162>

- Kristal-Andersson, B. (2000). Psychology of the refugee, the immigrant and their children: Development of a conceptual framework and application to psychotherapeutic and related support work (Publication No. 91-88598-02-0). [Doctoral dissertation, Lund University]. ProQuest Dissertations and Theses.
- Kuehn, P. D. (2013). Cultural coping strategies and their connection to grief therapy modalities for children: An investigation into current knowledge and practice (Publication No. 215). [Master's dissertation, St. Catherine's University]. Sophia e-community.
- Lago, C. (2011). Introduction to Part 1: Towards enhancing professional competence – From training to research to practice. In C. Lago (Ed.), *The handbook of transcultural counselling and psychotherapy* (pp. 3–17). Open University Press.
- Lawson, T., & Garrod, J. (2003). *Complete A-Z sociology handbook* (3rd ed.). Philip Allan.
- Lumaj, B. (2017). *The experience of Albanian-Americans' bicultural lifestyle*. Michigan School of Professional Psychology.
- Miller, J. (1986). *Toward a new psychology of women* (2nd ed.). Beacon Press.
- Nesteruk, O., & Marks, L. D. (2011). Parenting in immigration: Experiences of mothers and fathers from Eastern Europe raising children in the United States. *Journal of Comparative Family Studies*, 42(6), 809–826. <https://doi.org/10.3138/jcfs.42.6.809>
- Mai, N. (2005). The Albanian diaspora-in-the-making: Media, migration and social exclusion. *Journal of Ethnic and Migration Studies*, 31(3), 543–561. <https://doi.org/10.1080/13691830500058737>
- Maguire, J., & Stead, M. (1998). Border crossings: Soccer labour migration and the European Union. *International Review for the Sociology of Sport*, 33(1), 59–73. <https://doi.org/10.1177/101269098033001005>
- Méndez, M. G. (2013). Autoethnography as a research method: Advantages, limitations and criticisms. *Colombian Applied Linguistics Journal*, 15(2), 279. <https://doi.org/10.14483/udistrital.jour.calj.2013.2.a09>
- Nesti, M., Littlewood, M., O'Halloran, L., Eubank, M., & Richardson, D. (2012). Critical moments in elite premiership football: Who do you think you are? *Physical Culture and Sport. Studies and Research*, 56(1), 23–32. <https://doi.org/10.2478/v10141-012-0027-y>
- Nunez, C. (2014). War of the words: aliens, immigrants, citizens, and the language of exclusion. *Discretion & Deference: Immigrants, Citizens, and the Law*, 2013(6), 1517-1562. <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=2904&context=lawre-view>
- Paris, C. (2016). The challenges of football migration: Experiences of football players who come to play their trade in Malta. [Bachelor's degree, University of Malta]. Hy-Di.
- Parliamentary Assembly. (1992). Report on the exodus of Albanian nationals, Doc. 6555. <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=6888&lang=EN>
- Perdue, C., Dovidio, J., Gurtman, M., & Tyler, R. (1990). Us and them: Social categorization and the process of intergroup bias. *Journal of Personality and Social Psychology*, 59(3), 475–486. <https://psycnet.apa.org/record/1991-04402-001>
- Rovira, L. (2008). The relationship between language and identity. The use of the home language as a human right of the immigrant. *Revista Interdisciplinar da Mobilidade Humana*, 16(31), 63–81. <https://www.redalyc.org/articulo.oa?id=407042009004>
- Ryde, J. (2011). Culturally sensitive supervision. In C. Lago (Ed.), *The handbook of transcultural counselling and psychotherapy* (pp. 142–152). Open University Press.
- Sink, C., Edwards, C., & Eppler, C. (2012). *School based group counseling* (3rd ed.). Brooks/Cole.
- Simonsen, K. B. (2017). Does citizenship always further immigrants' feeling of belonging to the host nation? A study of policies and public attitudes in 14 Western democracies. *Comparative Migration Studies*, 5(1). <https://doi.org/10.1186/s40878-017-0050-6>
- Simpson, J., & Rholes, S. (2017). Adult attachment, stress and romantic relationships. *Current Opinion in Psychology*, 13(19), 19–24. 10.1016/j.copsyc.2016.04.006

- Sparkes, A. C. (2002). Telling tales in sport and physical activity: A qualitative journey. *Human Kinetics*.
- Stecklov, G., Carletto, C., Azzarri, C., & Davis, B. (2010). Gender and migration from Albania. *Demography*, 47(4), 935–961. <https://doi.org/10.1007/BF03213734>
- Schwandner-Sievers, S. (2008). Albanians, Albanianism and the strategic subversion of stereotypes. *Anthropological Notebooks*, 14(2), 47–64. http://www.drustvo-antropolo.gov.si/AN/PDF/2008_2/Anthropological_Notebooks_XIV_2_Sievers.pdf
- Swann, W. B., Jr., & Bosson, J. K. (2008). Identity negotiation: A theory of self and social interaction. In O. P. John, R. W. Robins, & L. A. Pervin (Eds.), *Handbook of personality: Theory and research* (pp. 448–471). The Guilford Press.
- Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin & S. Worchel (Eds.), *The social psychology of intergroup relations* (pp. 33–47). Brooks/Cole.
- Titzmann, P. F. (2012). Growing up too soon? Parentification among immigrant and native adolescents in Germany. *Journal of Youth and Adolescence*, 41(7), 880–893. <https://doi.org/10.1007/s10964-011-9711-1>
- Van Campenhout, G., Van Sterkenburg, J., & Oonk, G. (2019). Who counts as a migrant footballer? A critical reflection and alternative approach to migrant football players on national teams at the World Cup, 1930–2018. *International Journal of the History of Sport*, 35(11), 1071–1090. <https://doi.org/10.1080/09523367.2019.1581769>
- Van Ecke, Y. (2005). Immigration from an attachment perspective. *Social Behaviour and Personality: An International Journal*, 33(5), 467–476. <https://doi.org/10.2224/sbp.2005.33.5.467>
- Vathi, Z. (2011). The children of Albanian migrants in Europe: Ethnic identity, transnational ties, and pathways of integration. [Doctoral dissertation, University of Sussex]. Sussex Research Online.
- Vathi, Z. (2015). Migrating and settling in a mobile world: Albanian migrants and their children. Springer Open.
- Wright, M., & Bloemraad, I. (2012). Is there a trade-off between multiculturalism and sociopolitical integration? Policy regimes and immigrant incorporation in comparative perspective. *Perspectives on Politics*, 10(1), 77–95. <https://doi.org/10.1017/S1537592711004919>
- Wylleman, P., Alfermann, D., & Lavallee, D. (2004). Career transitions in sport : European perspectives. *Psychology of Sport and Exercise*, 5(1), 7–20. https://dspace.stir.ac.uk/bitstream/1893/7648/1/PSE1_2004.pdf
- Yoo, G., Park, J. H., & Jun, H. J. (2014). Early maladaptive schemas as predictors of interpersonal orientation and peer connectedness in university students. *Social Behavior and Personality*, 42(8), 1377–1394. <https://doi.org/10.2224/sbp.2014.42.8.1377>
- Young, J. (1999). Cognitive therapy for personality disorders: A schema-focused approach. (3rd ed.). Professional Resource Press.



Exploring the Representation and Interpretation of Migration in Museums with a Focus on Objects, Displays, and Narratives

John Vella¹ 

Independent researcher, PhD. Graduate - Mediterranean Institute, University of Malta; Curator, Bir Mula Heritage Museum

Abstract

Migration is one of the most significant phenomena shaping contemporary societies, yet its representation in museums often raises complex questions about historical memory, identity, and power. With an analysis of two grassroots museums in the central Mediterranean, this paper explores how two different museums - the Musée de la Mémoire de la Mer et de l'Homme in Zarzis, Tunisia, and PortoM in Lampedusa, Sicily- interpret and represent migration, focusing on the role of objects, displays, and narratives in conveying the experiences of migrants and migrations. The research did not entail any primary data collection like interviews or surveys, but relied on secondary data, such as textual and visual material already published on the web. By critically examining these case studies from various cultural and historical contexts, this research investigates how museums create meaning around migration, the ethical implications of representation, and the potential for museums to foster inclusive, diverse, and critical discourses. Through an analysis of curatorial practices, the paper highlights the tensions between preserving migrant histories, addressing contemporary migration crises, and challenging hegemonic national narratives. In conclusion, it calls for collaboration between museums as they can facilitate understanding and compassion.

Keywords: grassroots museums, Mediterranean migrations, collections, curatorial ethics, identity

Introduction

Migration is a key aspect of human history. Its representation and interpretation in museums pose various challenges, especially in regions like the Mediterranean, where migration is commonplace. Museums are crucial for addressing and shaping societal understanding of migration, playing a key role in constructing narratives of the self and others, and perceptions of society, history, and culture. Institutions like history and ethnography museums shape cultural identities and convey visions of the groups they represent to their audiences. Migrations are often framed within national and political contexts in museums, with their curatorial practices determining which migrant stories are told and how they are presented. The relationship between objects, displays, and narratives in migration representation revolves around historical accuracy, cultural authority, memory politics, and ethics of representation. For migrants, museums can be spaces of inclusion and exclusion, validating or erasing their histories; however, this can be different in non-state and non-institutional museums, and museums located at various stages of migration routes. In recent decades, museums have seen an increase in collections related to migration, reflecting the importance of this issue in contemporary memory. Incorporating migration-related objects into exhibitions and the narratives they reveal are critical

¹ For correspondence: vellajohn163@gmail.com

considerations prompting reflections on potential paradigm shifts in the museum sector related to ethnic and migration themes and underlining the broader movement in history towards diversity and inclusivity.

Background and significance

Migration is a steaming issue in today's globalised world, with museums playing a key role in fostering public understanding. Museums use their collections to humanise the experiences of migrants, whether driven by economic necessity, political turmoil, disasters, or personal ties. However, migration representation in museums is influenced by various factors, including the museum's institutional background. Migration representation is a complex issue with implications for identity, nationality, memories, and public heritage. By exploring different approaches, such as maintenance, change, or conflict, focusing on identity, societal adjustments, or memory, research on migration representation compares migrant exhibits and visitor responses across various museums. In modern society, identity and belonging are hot topics, with museums being central to discussions around diversity and traditional identities. Case studies show that collaborations between curators, locals, and migrants reveal the significance of museum collections in understanding migration. They explore how the public interprets these narratives during their museum visits, shedding light on the complexities of identity expression in a changing global context.

Research aim and objectives

Through a critical analysis of two central Mediterranean grassroots museums, the research explores how museums interpret and represent migration, focusing on the role of objects, displays, narratives, and curatorial choices that convey the complex realities of migrants and migrations. It explores how meaning is constructed around migration within these museums by drawing on secondary sources such as online visual and textual materials. By addressing the ethical and political dimensions of representation, the paper examines how museums and their curators can validate or marginalise migrants and their histories, thus navigating the fine line between commemoration and commodification of suffering.

Key museums globally focusing on emigration, immigration, and ethnicity are undergoing redesign by design teams collaborating with migration experts. Cultural producers in these museums also play a crucial role in determining the types of exhibits produced, influenced by constraints and the local institutional environment. This research contributes to a broader examination of the parochial nature of the world represented in national and non-national collections within museum studies, emphasising the evolving significance of migration in shaping museum narratives. It spotlights two grassroots museums in the central Mediterranean: Zarzis (Tunisian coast) and the island of Lampedusa (Sicily). They portray migration by displaying objects collected from the sea or left behind by migrants for some reason. In contrast to other migration museums, they mostly rely on the visuals and emotions raised by such objects. They present the minimum one expects, but as far as possible, the study aims to analyse how migration is portrayed in these museums located at two transit points on a busy migration route: the departure from one continent and the arrival at another.

Literature review

Exploring migration representation in museums unveils a complex interplay of historical and societal factors shaped by curatorial decisions. Agutter et al. (2013) illustrate how individual migrant experiences amalgamate into broader narratives influenced by government policies and societal views, wherein museums can challenge the simplistic 'happy migrant' portrayal (Frankling, 2011; Auditor & Erlinghagen, 2021; Garrett et al., 2008). By focusing on experiences of fear and survival in exhibitions, they advocate for a representation that acknowledges both collective and personal stories, enhancing the understanding of migration (Migration Museum, 1998).

In a complementary analysis, Sartor (2016) demands the representation of indigenous identities, emphasizing that such portrayals affect their social and political realities. Sartor (2016) posits that controlling narratives function as a tool for colonial dominance, accentuating the opportunity for museums to challenge these narratives and promote equitable representation, thus nurturing social change. Baur et al. (2017) critique immigration museums for often sidelining native experiences, highlighting the risk of overshadowing narratives of slavery and identity. Baur et al. (2017) advocate for including local perspectives to construct a richer national narrative, asserting that immigration museums are vital in showcasing diverse histories. Collectively, studies reveal the necessity for critical engagement with migration narratives in museums, advocating for inclusive representation and the potential to inspire social transformation through the museums' narrative practices. They stress the museums' educational role in validating the experiences of marginalised groups and informing public discourse on migration complexities.

The role of museums in shaping public understanding of migration

Museums as sites of memory and education

Museums shape public perceptions of culture, history, and identity, particularly regarding complex and often marginalised narratives like migration. They preserve and interpret fragmented histories, adapting to the dynamic challenges of ongoing migration trends intertwined with community, race, and power dynamics. Many argue that museums function as vital sites of memory where personal and collective histories intersect. Karp and Lavine (1991) add that museums also engage in storytelling, which can validate the experiences of marginalised communities, including migrants. This educational role is critical in informing the public about the complexities of migration, often countering dominant narratives that frame migrants in negative or simplistic terms.

Representation, diversity, and challenges in exhibitions

Representation and diversity in exhibits are crucial in museums, especially in the context of migration studies. The literature highlights that diverse and inclusive exhibits can foster empathy and understanding. Museums can challenge dominant narratives by including the stories of migrant communities (Crang & Travlou, 2001) and giving a platform to marginalised narratives and backgrounds which break stereotypes (Coates, 2023; Bodo et al., 2009). This representation is key to understanding migration as a multifaceted phenomenon influenced by socio-political factors, validating experiences, and educating broader audiences about its complexity.

However, museums face challenges in effectively representing migration. Culturally sensitive and accurate representation requires careful curation, often limited by institutional biases and a lack of resources (Bennett, 2013). Furthermore, representation can be co-opted by political agendas, turning migrant stories into commodities rather than fostering authentic engagement (Harrison et al., 2018). Hooper-Greenhill (2000) and Bennett (1995) maintain that museums actively shape historical meanings, highlighting the necessity to address issues of power and representation in migration narratives. As migration patterns continue to evolve, so too do strategies employed by museums, particularly in the representation of migration influenced by global movements and the political climate surrounding migration issues, like refugees and border policies. Bennett (2013) calls for ongoing research to track demographic shifts and their implications for museum practices. Understanding the changing landscape of migration is crucial for museums to remain relevant and responsive. The portrayal varies significantly across regions, with museums in areas like the UK and the US displaying narratives different from those in post-colonial Mediterranean contexts. Falk and Dierking (2000) argue that assessing visitor engagement and learning outcomes can help museums refine their approaches to migration narratives. This reflective practice is vital for ensuring that museums serve their communities effectively.

Theoretical framework

Museology and migration studies

Museology increasingly intersects with migration studies, examining how museums represent migratory experiences and their corresponding identities. Museums are vital in preserving collective memory, particularly for migrant communities. They serve as spaces for acknowledging marginalised histories, often overlooked in dominant narratives (Bennett, 1995 and 2011; Merrimen, 1995; Vella & Cutajar, 2017), which have historically excluded minority perspectives shaped by State-controlled education and culture (Merrimen, 1995).

Representing migration within museums can either reinforce or challenge stereotypes. Karp et al. (2006) emphasise the need for museums to balance authenticity with interpretation, advocating for the inclusion of community voices to avoid tokenism. The challenge is often greater for establishment-owned museums, as independent grassroots museums can more authentically reflect their communities' experiences. Karp et al. (2006) warn against cultural homogenisation facilitated by easy access to Western artefacts, which can undermine the distinct identities of minorities. Moreover, museums can promote intercultural dialogue and foster understanding among diverse groups (Bodo et al. 2009). Hooper-Greenhill (2007) and Bodo et al. (2009) argue that museums can build social cohesion through exhibitions that reflect society's multicultural fabric, encouraging critical engagement with migrations past and present.

Concepts of representation, interpretation, and participation

The concepts of representation and interpretation are crucial for understanding how museums tell migration stories. Representation involves how museums portray communities and their narratives. Hall (1997) emphasises that representation goes beyond a mere reflection of reality; it actively shapes meanings. Museums are obliged to evaluate whose voices are included and in what manner, especially regarding power dynamics in migration contexts. Interpretation, additionally, entails the methods museums use to communicate meaning to their audiences. Falk and Dierking (2000) argue for inclusive and adaptable interpretations that acknowledge the diverse backgrounds and visitors' experiences: a matter remarkably vital in migration narratives where audiences may have personal ties to the stories presented. Simon (2010) highlights the importance of participatory practices in enhancing the relevance and impact of exhibitions. Participatory approaches are essential for genuine representation, where engaging migrant communities in the curation process allows them to share their stories and influence how they are portrayed.

The role of objects in representing migration

Objects left behind by migrants serve as powerful storytellers of their journeys (Vella, 2023), reflecting both struggles and aspirations while affecting local communities' social and cultural landscapes. Lauser (2022) underscores the materiality of migration, emphasising that migration is framed by certain objects which accompany individuals or are encountered along the way, thereby cementing the link between material culture and migratory experiences. The representation of migration in museums centres on the display of objects, ranging from personal belongings and photographs to documents, as material witnesses to migrants' experiences and tangible evidence of the migration reality. Despite their ability to evoke personal narratives of resilience, they carry historical baggage, including themes of colonialism and displacement. Objects such as passports and family heirlooms are commonly featured in exhibitions on forced migration, highlighting trauma and adversity. However, the curatorial choices that shape the selection and presentation of objects, often considered "instruments of memory" (Hobsbawm, 1983), significantly influence narratives about migration, belonging, and national identity. For instance, the London and Hamburg migration museums employ personal artefacts - diaries, family photographs, and

luggage - to capture the intimate experiences of migrants while contextualising them within broader sociopolitical frameworks.

Personal artefacts and their significance

Personal artefacts serve as powerful narratives of individual and collective identities, particularly within cultural and historical contexts. Appadurai (1988) argues that objects carry social life and meaning, transcending their physical forms to embody personal histories, emotions, and memories. In migration studies, objects can become tangible links to one's homeland, roots, and culture, enabling migrants to connect with their pasts while navigating new environments (Rygiel, 2024; Marschall, 2019; Aydin, 2023). They also highlight cultural complexities associated with migration, symbolising resilience and continuity amid displacement. Objects often tell stories of family, tradition, and survival, contributing to a deeper understanding of cultural heritage and memory not simply among the host community (Zort et al., 2023), but also among other museum visitors (Stevenson, 2019).

Challenges in acquiring and authenticating migrant objects

Acquiring and authenticating objects brought by migrants poses significant challenges. Personal and collective items help recreate a sense of 'home,' highlighting deeper aspects of identity (Wilcox, 2020). The ethical implications of dispossessing migrants of their belongings raise critical questions, as the destruction of seized objects could otherwise help inform museums about migrant experiences and their challenges.

Key challenges in the acquisition and authentication of these artefacts include issues of provenance, authenticity, and ethical considerations. It is vital to understand the context of how these objects are obtained, ensuring they are respected as integral elements of individual and community histories (Oliva & Torralba, 2007). Immigration laws and the transitory nature of personal belongings make the process more complex, with many items potentially lost or altered during migration.

Migrant artefacts hold emotional and cultural significance, requiring respectful collection and exhibition. Thus, the discourse around these objects should prioritise the unique narratives they hold, not as mere commodities, but to foster a better understanding of migrant experiences and challenges faced by individuals and communities.

Ethical considerations in displaying personal items

The ethical dimensions of representing migration are a focal point in research and practice. Museums are required to navigate sensitive topics with care and integrity. Macdonald (2013) stresses the need for critically reflecting on power dynamics in representation, ensuring that marginalised voices are not only included but also respected. The ethical implications of displaying personal artefacts in museums are crucial for creating respectful and meaningful narratives. Cultural institutions are increasingly aware of the significance of showcasing items that reflect individual stories and traumas. Scholars emphasise collaboration with communities in curating their artefacts (Buntinx et al. 2006), as this honours their voices and brings authenticity to the narratives.

Ethical concerns arise from misrepresentation and exploitation of migrant experiences, highlighting the need for frameworks that prioritise consent, cultural sensitivity, and agency of those whose stories are represented. Museums are demanded to balance the need for education and inclusive representation while avoiding the reinforcement of stereotypes and cultural appropriation. Personal artefacts serve as powerful representatives of migrants' narratives, but challenges in their acquisition and ethical display necessitate thoughtful approaches. Engaging with communities and respecting their perspectives is vital for an accurate portrayal of complex migrant experiences (Simon, 2022).

Personal artefacts, as strong narrators, encapsulate the intricate and diverse stories of migrants. While they hold substantial cultural and emotional value, challenges in acquisition and authentication,

and ethical considerations in display practices demand a thoughtful and respectful approach. Engaging with communities and prioritising their voices is essential for creating meaningful representations that honour the complexities of migrant experiences. As the field evolves, the role of personal artefacts in storytelling remains a vital area of exploration, and focusing on the ethical dimensions of migration representation remains essential.

Display strategies and spatial narratives in migration

The organisation of migration exhibits significantly shapes visitor interpretation and engagement. Chronological approaches present a linear narrative of migration, allowing visitors to comprehend historical contexts, patterns, and policy changes. However, this method may oversimplify complex experiences within rigid historical frameworks (Falk & Dierking, 2013). Thematic approaches, instead, focus on specific issues like identity, belonging, and the impact on communities, enabling a nuanced exploration of intersecting themes like race, class, and gender (Miller, 2016), inviting deeper engagement and promoting critical dialogue among visitors.

Incorporating interactive and immersive experiences, such as touch screens, augmented reality, and simulated environments, enhances visitor involvement by transforming passive observation into active participation (Falk, 2009). Such strategies evoke emotional responses and deepen understanding of migration issues (Gonzalez, 2020), fostering empathy as visitors experience migrants' challenges firsthand (Tsoukala et al., 2025). Vella (2024) observed that grassroots micro museums tend to promote direct contact between museum staff and visitors, as "when curators engage with visitors, the museum becomes a two-way learning experience, with visitors often serving as a source of knowledge that curators can acquire and share" (p. 71). Curatorial practices, including exhibition layout, technology, and multimedia usage, are crucial in framing migration narratives and influencing audience reception. Elements like video interviews, audio-recordings, and digital storytelling enhance narratives by showcasing diverse perspectives. Karp et al. (2006) highlight that such tools effectively convey the emotional depth of migration experiences, inviting deeper visitor connections. Technology also expands the reach of migration stories, and digital platforms enable virtual exhibitions for wider audience engagement (Charr, 2024). Additionally, social media and interactive online resources facilitate dialogue beyond physical museum settings, enriching the overall impact of migration exhibits (Hein, 1998). Utilising multimedia and technology allows curators to craft complex narratives that resonate with contemporary audiences, promoting an understanding of migration issues.

Curatorial choices and narrative construction

Curatorial practices in migration-focused exhibitions encounter the challenge of merging individual narratives with broader historical contexts. Personal stories humanise migration experiences, fostering empathy while necessitating placement within larger socio-political frameworks for comprehensive understanding. Crang and Tolia-Kelly (2010) urge curators to intertwine personal narratives with historical events, enhancing the interpretation of unique journeys and systemic migration issues. Employing narrative approaches that blend personal testimonies with historical data can yield multi-layered stories that appeal to varied audiences. Innovative display techniques, such as interactive installations and multimedia storytelling, facilitate dialogue between personal and collective histories. Additionally, representing the diversity within migrant communities helps encompass multiple identities and experiences, highlighting inclusivity in curatorial decisions and emphasising the importance of various voices and intersectional factors. Collaborating with community members and leveraging technology to share diverse stories can expand representation (Miller, 2016), while fostering understanding and empathy across broader audiences (Charr, 2024).

Migration often raises sensitive issues such as xenophobia, human rights violations, and political conflicts. Addressing such sensitive topics in exhibitions requires a thoughtful approach. Curators, consequently, navigate the potential for conflict and discomfort while representing these realities honestly and ethically, utilising strategies like contextual framing and dialogue facilitation to engage

visitors on difficult topics. Providing historical context and multiple perspectives helps audiences understand the complexity of migration issues. Involving community members in the curation process can also ensure a respectful management of sensitive topics. Curatorial choices are crucial in shaping migration narratives, balancing individual stories with historical contexts and addressing controversial themes, and employing inclusive practices that enrich the public discourse on migration.

Visitor engagement, education, and interpretation

Educational programmes and guided tours play a crucial role in enhancing visitor engagement with narratives, fostering learning and reflection on the complexities of migrant experiences. Leinhardt and Knutson (2004) highlight the importance of interactive environments in museums to create meaningful connections. Effective programmes integrate varied learning modalities, including workshops and hands-on activities, catering to diverse audience interests (Falk & Dierking, 2013). Involving community members and migrants as speakers offers authentic perspectives, enriching the experience. Furthermore, incorporating technology, like augmented reality, enhances engagement by providing dynamic content (Tsoukala et al., 2025).

Fostering empathy toward migrants is key; therefore, narrative-driven exhibitions that emphasise personal stories help cultivate emotional connections (Karp et al., 2006). Multimedia elements, such as video interviews and immersive installations, evoke emotional responses, encouraging compassion and understanding. When visitors encounter relatable narratives, their attitudes toward migration often shift toward greater compassion and openness. Curators are encouraged to employ language that challenges stereotypes, promotes nuanced views of migrants, and celebrates their societal contributions.

Facilitating dialogue and reflection is vital for transforming visitor engagement into a participatory museum experience. Museums can function as a safe space for discussions on migration, encouraging visitors to confront sensitive topics regarding identity, belonging, and social justice. Community forums, discussion groups, and reflection areas help promote the sharing of diverse perspectives and allow visitors to write or record thoughts, enriching personal engagement with the exhibitions. Such reflective practices lead to deeper processing of information and meaningful connections with migration issues (Hein, 1998). By nurturing an environment centred on dialogue and reflection, museums can significantly shape societal conversations around migration and its implications. Besides education, Labadi (2018) encourages museums to tackle social, economic, cultural, and political disparities not solely through more traditional display practices but even through a variety of outreach activities, implying that museums might be protagonists in mediating questions of social justice and unity in the future of the European continent.

Examples of migration representation in non-Mediterranean museums

The London Migration Museum delves into Britain's immigration history, featuring personal artefacts like passports and photographs alongside interactive elements such as oral histories. Its inclusive approach and critical perspective highlight the contributions made by migrant communities, challenging conventional narratives of British identity. Ferrer and Cebolla-Boado (2018) emphasise the museum's role in fostering community engagement and inviting visitors to reflect on their migration stories. The Hamburg Museum of Migration examines migration experiences from Turkey, Poland, and Syria by prominently displaying personal items linked to labour migration from the 1960s and 1970s, enriching the narrative of German identity and its multicultural history. The Ellis Island National Museum of Immigration in New York presents the historical context of early 20th-century migration via artefacts such as ship manifests and inspection records. However, criticism arises regarding its limited focus, primarily on European immigrants, while marginalising non-European groups and emphasising the "American Dream". Studies describing other museums around the globe are found in several studies, and non-Mediterranean museums are not the focus of this study, even if the two central Mediterranean case studies presented may share similarities with grassroots museums in other countries or regions.

Challenges and criticisms in migration displays and narratives

Overall, museums addressing migration face challenges between genuine representation and tokenism, where marginalised voices appear in narratives merely to create a façade of inclusivity, reinforcing stereotypes rather than dismantling them. A deeper, more authentic engagement with diverse communities is necessary. Effective representation, therefore, acknowledges the complexity of these narratives and prioritises the lived experiences of migrants through collaborative curatorial practices, ensuring a more nuanced portrayal of their stories to avoid superficial inclusivity.

Migration narratives present diverse experiences, requiring curators to delicately balance the celebration of migrant resilience and contributions, acknowledging their struggles and traumas linked to displacement (ISOT, 2024). An exclusive focus on positive stories can obscure the realities of migration and lead to misconceptions (Nikolić Đerić, 2023). Conversely, emphasising hardship risks perpetuating narratives which reduce migrants to mere victims, disregarding their agency and strength. Curators, therefore, seek to provide a nuanced portrayal that honours migration's complexities, recognising achievements alongside systemic challenges, to foster empathy and understanding among audiences.

A significant challenge in migration exhibitions is the often-incomplete view of migrant experiences due to museums historically emphasising dominant narratives (Simon, 2022). Such gaps in representation can reinforce stereotypes and marginalisation, limiting public comprehension of migration. To counteract this, curators are required to diversify collections actively and seek out underrepresented narratives, particularly from marginalised communities (Miller, 2016). Collaborating with community organisations and migrant groups can help integrate diverse narratives and enrich public understanding (Gonzalez, 2020; Zlatkou, 2018).

Future directions in museum practices

Collaborative and community-driven curation

As cultural institutions evolve, museums increasingly explore innovative practices to engage diverse communities and respond to contemporary challenges. Key to this effort is the involvement of migrant communities in the curation process, ensuring the authentic representation of their histories. Three emerging directions in migration museum practices emerge: collaborative and community-driven curation, digital archives and virtual exhibitions, and transnational partnerships: innovative areas presenting opportunities for museums to enhance accessibility, representation, and global connectivity.

The shift towards collaborative and community-driven curation marks a significant transformation in museum practices. Researchers argue that involving communities fosters deeper connections and democratises knowledge. Museums are evolving from mere preservation spaces to platforms for dialogue (Rose, 1997), allowing diverse voices to shape narratives. Simon (2010) emphasises that community-driven initiatives, which engage the community, enhance exhibitions and help build trust and relevance within communities. Case studies, such as the "Museum of the African Diaspora" (MoAD), demonstrate how community participation can shape narrative and content, leading to more authentic representations (Whitehead et al., 2015). Thus, critical reflections on identity are essential as migration becomes central to many societies. Hall (1997) notes that identity is contextually shaped. Museums need to reflect on their collections and exhibitions to represent the fluid nature of identity within migratory contexts. Collaborative initiatives, such as the "Co-Curator" model, highlight community members as active participants in exhibition creation, resulting in profound audience resonance. Innovative exhibitions and programmes on migration encourage visitor interaction, fostering empathy and understanding while highlighting the shared humanity in migration narratives. Miller (2016) notes that many institutions curate exhibits that, besides documenting the migrant experience, encourage visitor interaction and reflection. These partnerships can result in exhibitions that resonate more profoundly with audiences, encouraging reflection and dialogue around shared histories and experiences (Pegno & Brindza, 2024), fostering empathy and understanding, and highlighting the shared humanity in migration stories.

Digital archives and virtual exhibitions

During the COVID-19 pandemic, digital archives and virtual exhibitions have revolutionised their museum engagement practices and prompted the need for remote cultural access, significantly improving accessibility and reaching audiences facing geographical or financial barriers. Parry (2010) claims that virtual exhibitions democratise knowledge, facilitating interaction with artefacts and narratives. The "Digital Public Library of America" exemplifies this movement, uniting resources from various institutions. Moreover, virtual exhibitions allow museums to present intricate narratives in an interactive manner, which deepens audience engagement. Shehade and Stylianou-Lambert (2020) indicate that immersive technologies, including virtual reality, can foster empathy and enhance understanding of cultural histories.

Transnational museum partnerships

Transnational museum partnerships, likewise, promote cross-cultural collaboration and exchange, enriching global perspectives on migration, identity, and heritage. Such collaborations can yield shared exhibitions and joint research initiatives, tapping into diverse expertise and cultural insights (Bodo, 2008 and 2018). Documenting best practices in migration discourse is vital for fostering innovation and collaboration among institutions (Simon, 2010). These partnerships can also tackle significant global challenges like migration and climate change, exemplified by initiatives such as "Museum as a Place for Human Rights" (Whitehead et al. 2012 and 2015; McGhie, 2020).

The future of museums, therefore, hinges on adopting collaborative, digital, and transnational strategies that enhance engagement, representation, and accessibility. By promoting community-driven curation and leveraging technology, museums can effectively reflect the complexities of modern society, solidifying their roles as dynamic cultural institutions in an interconnected world.

Methodology

This paper examines how museums that present migrations have dealt with the complex realities of migration, both historical and contemporary. It examines literature which explores the role of museums, as sites of memory and education, in shaping public understanding of migration, (such as representation and diversity in exhibitions, challenges and limitations); the theoretical framework (thus the interconnecting of museology and migration studies, intercultural dialogue, concepts of representation and interpretation); the role of museums in representing migration (thus, using objects as storytellers and their role in representing migration, personal artefacts and their significance, challenges in acquiring and authenticating migrant objects, ethical considerations in displaying personal items). It also discusses display strategies and spatial narratives (thus, chronological versus thematic approaches in migration displays, interactive and immersive experiences, the role of displays and curatorial practices in shaping migration narratives, the use of multimedia and technology in migration exhibits); and curatorial choices and narrative construction (thus, balancing individual migrant stories with broader historical contexts, addressing controversial or sensitive topics in migration); and, visitor engagement and interpretation (thus, educational programmes and guided tours about migrants and migration, encouraging empathy and understanding of migrants and migrations, facilitating dialogue and reflection on migrants and migration, examples of migration representation in non-Mediterranean museums); and, challenges and criticisms in migration displays and narratives (thus, representation versus tokenism, balancing celebration and hardship in migrant narratives, addressing gaps in collection and representation of migrants and migrations). It also looks at future directions in museum practices (thus, collaborative and community-driven curation, digital archives and virtual exhibitions, and transnational museum partnerships). The research did not entail any primary data collection, like interviews or surveys, but relied on secondary data such as textual and visual material already published on the web. It examines the literature that explores how museums influence the public's perception of migration through the stories and collections they display, as well as the moral dilemmas and learning difficulties curators encounter when working with delicate or divisive topics like migration. The study presents findings met at two grassroots museums located at two migration transit points, which act as a departure point and

an arrival point for migrants crossing the central Mediterranean from the north African coast to European territory: Zarzis (Tunisia) and Lampedusa (Sicily, Italy) museums. In comparison to the literature and by briefly analysing case studies of other museums from around the globe, the study aims to identify in what practices and aspects such museums share or differ from each other and migration museums elsewhere: thus, their focus and theme, objective, the objects they collect, what they offer to the public, their cultural context, exhibits and experiences, comparison and contrast. It discusses such findings to act as an eye-opener to similar grassroots museums collecting and displaying about migrants and migrations, particularly those excluded or not represented in national and institutional museums. In conclusion, it aims to assess how such museums might participate in more critical and inclusive conversations about identity, movement, and belonging, as well as how they may more effectively interact with migration, and present it to their audiences as authentic as the migrants' experiences, even if like the Zarzis and Lampedusa museums, they are at transit points where they scarcely meet the migrants themselves.

Empirical analysis of the web-based content

The conclusions drawn from this study stem from the web-based content related to the migration museums examined. It analysed how the museums utilised their websites and online content to explain their objectives, as well as how they educate, engage, and represent migration and its narratives. Websites and other online content uploaded by the museum curators and third parties were analysed, because in the digital age, they serve as primary access points for global audiences. As a qualitative study, it observed video and photographic material which showed how the collections were displayed, allowing the study to determine, though remotely, which objects were prioritised. Another factor for analysis was the communication methods applied between the museum and the visitor. It examined, where available, the text, narratives, and means of information sharing used to communicate descriptive and educational content about the represented people and themes to visitors and audiences, and, when applicable, any interactive media employed to narrate the stories of migrants and migrations. The decision to analyse web-based content was primarily driven by the understanding that such resources are powerful enough for migration museums to extend their mission beyond physical boundaries, especially when they face limited resources. Large institutions invest in interactive, inclusive, and educational digital platforms to engage diverse audiences and promote nuanced understandings of migrants and migrations. However, not all museums can afford such resources, and their outreach relies on the minimum they can allocate, alongside the feedback or material shared by third parties.

Findings

Two central Mediterranean grassroots museums of migration

Numerous studies highlight the roles of State-owned and institutional museums in shaping migration narratives. This study focuses on two grassroots museums on a hot central Mediterranean maritime route: the Musée de la Mémoire de la Mer et de l'Homme in Zarzis, Tunisia, and PortoM in Lampedusa, Sicily.

PortoM, as a memorial, intends to narrate the stories of "people who risk their lives in search of safety and better opportunities" (Caselli, 2019), showcasing the harsh realities of migration and local responses to these challenges, fostering compassion and action among visitors (Vella, 2023). Since 2009, it has collected numerous objects found on shores and from seized boats. Curated by Giacomo Sterlazzi and the Collettivo Askavusa, the collection encompasses personal, family, and collective items, with some deemed valuable while others, like boats, are often destroyed (Nightingale, 2015; Vella, 2023). The curator claims that the museum "*A Lampedusa recuperiamo gli oggetti dei migranti, ma serve una coscienza diversa.*"² He argues that objects may take different valences, including spiritual or political

² Translation: In Lampedusa, we recover objects belonging to migrants, but a different conscience is necessary.

(Dobellini, 2024). Sterlazzi emphasises that the museum strives to raise awareness about factors leading to irregular migration and advocates for cultural respect over market-driven globalisation (Dobellini, 2024). Despite the migration exhibit, the museum engages with the Lampedusan community through various activities. However, the lack of textual explanations for the displayed objects presents a challenge: visitors may misinterpret the meaning and experiences associated with the artefacts, as personal connections to these items may differ between them and the migrants.

The Musée de la Mémoire de la Mer et de l'Homme (Museum of the Memory of the Sea and Man)³ in Zarzis, Tunisia, established in 1993, initially aimed to raise awareness about sea pollution through items collected from the ocean. Over time, its focus shifted to honouring migrants who have perished at sea (Blaise & Tlili, 2024), preserving their memories, particularly those crossing the Mediterranean (Haney et al., 2022). The museum connects local narratives of North African migrants to broader migration trends, blending environmental activism with human rights advocacy (Bellina, 2024). The Zarzis museum plays a crucial role in fostering dialogue within the community and encouraging visitors to consider the socio-economic factors driving migration (Vella, 2023). Founder Mohsen Lihidheb accentuates the museum's political role in raising awareness against restrictions on human movement (Haney et al. 2022). Despite challenges in object provenance and the ambiguous histories of items recovered from the sea, the museum seeks to collect and display these artefacts (Cimoli, 2013), grouped by their everyday uses, without extensive textual explanations.

Like the Lampedusa museum, the Zarzis museum serves as a cultural and historical institution addressing Mediterranean migration complexities, but it differs in focus and visitor experiences. While PortoM collaborates with local government and community groups, Zarzis operates independently, facing unique local and political challenges. Both museums grapple with inadequate resources compared to larger state-owned museums, lacking interactive displays and extensive activities. Nonetheless, they maintain closer connections with migrant communities along active migration routes, providing a more immediate and personal context for discussing migration issues than typical urban institutions.

PortoM, centrally located in the Lampedusan port, operates from Mondays to Saturdays for 6.5 hours every evening. It enhances the visitor experience by displaying exhibits and narratives that connect the local community and Lampedusan personalities, fostering bonds between locals and migrants. Its spaces, constructed and within caves, serve to engage the public through social and educational activities, including traditional puppet shows, a library, live music, and tasting of traditional buns, wines, and aperitifs.

In contrast, the Zarzis museum, located inland in the northern area of the coastal town, welcomes visitors for 3 hours in the late morning and another 3 hours in the afternoon. It features its collections indoors, complemented by an outdoor garden on the curator's property. While it offers more space for outdoor activities than PortoM, the Zarzis museum has fewer income-generating activities to support its mission. Despite the curator's enthusiasm and dedication, its capacity to expand beyond its limitations is constrained.

Both museums contribute to their communities but differ in operational hours, community engagement styles, and resource allocation for sustaining their cultural missions. PortoM tackles the Mediterranean migration crisis, focusing on the influx of migrants and refugees reaching the island's shores, emphasising the humanitarian challenges, rescue efforts, and sea tragedies. The Zarzis museum features the experiences of migrants from Tunisia to Europe, highlighting local migration contexts, the hardships they face, and the effects left on families and communities.

Lampedusa, a key island in this crisis, offers insights into political and humanitarian implications concerning migration, showcasing the islanders' experiences alongside the European response. The Zarzis museum reflects the socio-political realities driving migration from and through North Africa, anchored in local narratives, and often portrays the economic and social factors driving migration from the region. PortoM features diverse exhibits, including photographs and testimonies, to educate visitors about the historical context and urgent humanitarian crises, fostering empathy and awareness. Conversely, Zarzis focuses on personal stories and artefacts, often including migrant voices to deepen

³ Author's note: By 'homme/man' the title refers to all humans, not to the male gender.

understanding while hosting community events and educational programmes for awareness. The scope of the narrative in Zarzis emphasises local migration stories, while PortoM addresses broader Mediterranean themes. Zarzis represents the North African context and its 'sending' perspective, while PortoM reflects the European 'receiving' viewpoint. Both museums aim to educate, engage, and raise awareness among visitors, but PortoM emphasises the humanitarian crisis and European policy responses. Additionally, geographic locations shape each museum's narratives, with Zarzis attracting local visitors and migrants from the region, while PortoM tailors to international audiences interested in human rights. Both museums play vital roles in promoting understanding and dialogue regarding migration, offering distinct perspectives based on their geographical and thematic focus.

Discussion

The study shows that the interplay between historical and societal factors and curatorial decisions occurs in the two grassroots museums as their curators struggle to raise awareness and demand action over the occurrences of migration. Both museums tend to challenge the silence and covert ways central authorities present migrations to the public (Sartor, 2016). A factor that does not come up in the two museums is how the local receiving community is affected by such migrations (Baur et al., 2017). This may be because the curators see their museums as a reaction to the migrations. Both museums intend to shape the public understanding of migration, particularly that concerning the central Mediterranean route between Africa and Europe. Besides preserving objects, PortoM engages more actively in activities that tell stories and experiences of migrants (Karp & Lavine, 1991). As demanded by various studies, the objectives and activities of both grassroots museums challenge marginalised narratives and defeat the stereotypes associated with migrants and migrations by other museums (Coates, 2023; Raat, 2009; Salvi, 2009; Delgado, 2009). Unlike state and institutional migration museums (Bennett, 2013; Harrison et al., 2018), and despite their lack of resources, both museums are unbound from institutional biases or political agendas. Such a lack of resources may, however, restrain the potential to address issues concerning historical meanings, power, and representation, and do more research (Hooper-Greenhill, 2000; Bennett, 1995 and 2013). In addition, they can minimally assess visitor engagement and learning outcomes to help them refine their approaches to migration narratives (Falk & Dierking, 2000).

The role of museums in shaping public understanding of migration becomes significant by including diverse narratives and engaging with migrant communities. More research is needed on the changing practices and evolving roles of museums in this area, as well as to evaluate the impact of museum practices on communities and audiences. Recognition of the efforts of grassroots museums, which, despite the lack of support and resources, raise awareness about important issues such as migration, is also necessary.

How museums and migration interact

Being at the departure and arrival points of migration does not guarantee that migrants can contribute directly to the museums. Being in transit frequently, if not always, deprives the two museums of becoming spaces for recognising marginalised histories (Bennett, 1995 and 2008; Merrimen, 1995; Vella & Cutajar, 2017). Transiting migrants in both cases are forbidden from speaking to the museum or using its spaces and facilities, and ultimately voice themselves: a factor valued to avoid tokenism (Karp et al., 2006), even if implicit. Transiting also reduces opportunities for intercultural dialogue, which fosters understanding and social cohesion (Bodo et al., 2009; Hooper-Greenhill, 2007).

Beyond individual objects, the display and design of migration exhibitions play a critical role in framing the narratives presented to museum audiences. The objects exhibited in the two grassroots museums aim to reflect reality and actively shape meanings (Hall, 1997). Curatorial practices, including exhibition layout, multimedia usage, and incorporated interactive elements, if available, all shape how migration is understood and experienced. The design of a migration exhibition is not just a technical process but a political one that influences how visitors engage with migration stories. While immersive displays can

evoke empathy and provide insight into migrants' difficulties, they also present ethical challenges regarding representation, sensationalism, and historical accuracy. Curators have to navigate these complexities to ensure engagement.

Although the two grassroots museums studied show respect for anything connected to migrants' experiences and mirror a respectful portrayal of migration experiences (Macdonald, 2013), and integrity, in the absence of the verbal curators offering them, they miss a textual narrative, accessible and relatable to diverse audiences. Curatorial decisions regarding which migration stories to display and whose voices to prioritise are significant. For example, exhibitions heavily focused on European migration can overlook the experiences of transiting migrants in the Mediterranean or elsewhere. Giving voice to communities represented in a museum is essential in ethical curatorial practices, however, museums should appraise whose voice is being presented to the public, and whether the migrants themselves are allowed to shape narratives and make them more representative of their experiences. The call for cooperation with communities in curating objects (Buntnix et al. 2006) does not transpire within the two grassroots museums studied, as migrants transiting through Zarzis and Lampedusa are habitually isolated and detached from society. Owing to their circumstances, the museums also experience less or no engagement with migrants, which hinders them from truly portraying the complex migrant experiences called for (Simon, 2022). Such a deficiency raises the question of the authenticity of narratives presented by such museums, and whether they honour migrants' voices. The two grassroots museums present different scenarios from migration museums elsewhere, where the migrants established themselves as residents. Museums within reach of migrants' residential areas have more contact with migrants and offer opportunities for initiatives like the 'Immigrant Movement International' established in collaboration with Queens Museum, Corona, New York (Queens Museum, Immigrant Movement International, 2011). Such scenarios facilitate more inclusive and participatory curatorial methods, which cause inclusive and adaptable interpretations that visitors may easily compare and understand (Falk & Dierking, 2000).

Objects and ethical dimensions of representation in museums

In the two Mediterranean museums studied, the representation of migrations focuses on the display of objects left behind by migrants: thus, the material culture revealing migrant experiences (Lauser, 2022), and significant "instruments of memory" shaped by curatorial choices (Hobsbawm, 1983). The objectives of the two Mediterranean museums are in line with studies maintaining that objects carry personal histories, emotions and memories (Appadurai, 1988), a connection to one's motherland (Rygiel, 2024; Marschall, 2019; Aydin, 2023), roots and culture, for both migrants (Zort et al., 2023), and museum visitors (Stevenson, 2019).

The challenge of acquiring and authenticating migrant objects brings many more questions. The dilemma stands with whether it is morally right or not to dispossess migrants of personal or collective objects and then allow them to be displayed in museums. Alternatively, allowing museums to collect and display them may be better than letting them be confiscated and destroyed. This study disagrees with the dispossession and destruction of such objects and has concerns about them being displayed in museums if they are personal, family, or collective material culture. However, as scholars observe, such objects can reconstruct the meaning of 'home' among migrants visiting the museum and meaningful expressions of identity among understanding visitors (Wilcox, 2020; Oliva & Torralba, 2007). PortoM's curator remarked that authorities and laws complicate the acquisition of objects left by migrants or seized by the authorities (Baldwin, 2021), leading to the loss of most items connected to migrations.

As museums increasingly embrace the representation of migration, they face critical ethical challenges. One primary concern is how to commemorate traumatic experiences without sensationalising them. Curators are requested to find ways to portray the suffering of migrants responsibly, avoiding exploitation. Additionally, they need to balance historical representation with the contemporary political discourse surrounding migration, navigating a landscape where migration is often perceived negatively.

Approaches in migration displays

The exhibits at the two Mediterranean museums are neither chronologically nor thematically displayed. Even if objects are grouped according to their curators' choices, they cannot easily achieve as much engagement and critical dialogue as curators require them to provoke. Compared to State and institutional museums, the two museums had no interactive and technological media. Certainly, most grassroots museums cannot afford such 'luxuries'. Despite the successes envisaged for the use of interactive media in museums (Falk, 2009; Gonzalez, 2020; Tsoukala et al., 2025), grassroots museums manage to transform supposed passive visits into active ones, fostering empathy and understanding of migrants' experiences. It is the objects and narratives told by their curators that manage to satisfy the visitor's understanding and transform a visit into a uniquely immersive and educational experience (Vella, 2024). The direct contact between curator and audience (Vella, 2024) is applied in both museums. The absence of multimedia and technology in the two grassroots museums may not succeed in enhancing the visitor's museum experience and connections (Karp, 2006) or expanding the reach and audience engagement (Charr, 2024). However, social media and interactive online resources used by visitors (Hein, 1998) and others who disseminate their experiences of PortoM and the Zarzis museums would facilitate dialogue beyond the museums.

Balancing individual migrant stories with broader historical contexts

The two grassroots museums defy propositions to curators to connect personal narratives with historical events, which can enrich the interpretation of both unique journeys and general migration issues (Crang and Tolia-Kelly, 2010). With such a void, they also risk failing to generate multifaceted narratives that can engage different audiences. Being quite young as museums, their curators may be unaware of the importance of including historical contexts, causing migrations at both transitory points. This is, therefore, a challenge to both curators, as migrations are a sensitive topic.

Although the absence of multimedia and the lack of resources to include them may be the main factors, some textual narratives or visuals can enhance visitors' understanding. In the absence of direct contact with migrants, any information gathered from the media can underline inclusivity, voices, and different cultures, increase representation and understanding, and provide an alternative to what scholars attributed to technology (Charr, 2024; Tsoukala et al., 2025; Miller, 2016).

Educating and informing visitors

The two Mediterranean museums offer few educational and informative activities, but no formal educational programmes or guided tours. They have few ways to present important interactive environments capable of creating meaningful connections (Leinhardt & Knutson, 2004), or sensory modes by which to meet the interests of different audiences (Falk & Dierking, 2013).

Despite lacking multimedia or technology, both museums are safe spaces for discussing migration and sharing perspectives. PortoM organises events which combine local culture and migrant experiences, and the Zarzis museum offers space for reflection and deeper processing of information and meaningful connection with migration issues (Hein, 1998). Both are within their limited resources, offering an opportunity for visitors to engage, learn, understand migrations, and be empathetic with migrants. Finally, engaging visitors through educational programmes and guided tours is essential for fostering understanding and empathy, ultimately creating more meaningful experiences that contribute to a compassionate and informed society regarding migration.

Risks and the way forward

Since the two Mediterranean museums do not have the opportunity to meet migrants transiting through their locations, they risk floating between representation and tokenism, and a reinforcement of stereotypes (Tate, 2019). Another risk run by the two museums is that of presenting an incomplete view

of migrant experiences, being influenced by dominant narratives (Simon, 2022). In response to such incompleteness and exclusions, curators are called to truly diversify collections and seek out underrepresented narratives, particularly from the marginalised communities themselves (Miller, 2016), but which are absent or unreachable in both cases. However, both museums can find ways to collaborate with migrant organisations and groups to help integrate diverse narratives, foster dialogue, and enrich public understanding (Gonzalez, 2020; Zlatkou, 2018). Additionally, leveraging contemporary migration research is essential for curatorial relevance. By prioritising inclusivity and representation, museums can serve as vital platforms for dialogue and understanding. Thus, navigating the complexities of migration representation is key to developing authentic exhibitions, fostering empathy, and engaging diverse audiences through collaborative and reflective practices.

The two grassroots museums offer more than just a collection of objects, as they can act as platforms for dialogue (Rose, 1997) and allow different voices to shape their narratives, content, and reliable representation (Whitehead et al., 2015).

State-owned and institutional migration museums have opportunities and resources to collaborate and tap into various opportunities (Bodo, 2008, 2018), to foster innovation and enter partnerships (Simon, 2010). It is, however, unusual that State-owned and institutional museums collaborate with grassroots museums to act jointly and improve their content and activities to benefit communities and audiences. The two grassroots museums studied may be more effective if they had opportunities to partner with other museums, not migration museums alone. However, being grassroots museums and autonomous, they may fail to qualify for opportunities like the State-owned or institutional migrant museums do. Considering their theme and collections, they are unique and differ from State-owned and institutional migrant museums. They present and portray the transitional migratory stage of migrations, nowhere else presented or represented, as migrations like those happening in the central Mediterranean are different from migrations where people voluntarily leave their country of origin as emigrants or immigrants. Irregular migrations at transit stages of a journey have no similar departure and arrival as those whom migration museums identify as regular emigrants or immigrants, but unknown steps into the darkness where humans tread blindly between life and death, at the mercy of conscienceless handlers, fears and undesirable experiences which hardly guarantee the 'happy migrant' final scenario of the longed-for destination, especially where and when the true destination, if ever reached, is unknown.

Conclusion

The study examined the role of museums in shaping public understanding of migration, highlighting the critical importance of representation and inclusive practices in cultural institutions. Similarly, the evolving role of museums in migration discourse highlights the need for ongoing research and reflection. As cultural entities, irrespective of ownership, museums adapting to represent the complexities of migration are demanded to engage with diverse communities, critically assess their practices, and embrace the fluid nature of identity. By prioritising research and ethical considerations, museums can contribute meaningfully to the discourse on migration, informing the public and promoting social dialogue and connection in an increasingly diverse world. The convergence of museology and migration studies offers a framework for exploring representation and interpretation within museums and finding ways to include approaches for transitory migration museums and museology.

Future research will continue to investigate the dynamics of power and voice in these contexts, ensuring that the diverse experiences of migrants, regular and irregular, are acknowledged and celebrated. As the field keeps evolving, the role of personal artefacts in storytelling remains a vital area of exploration. Personal artefacts are powerful storytellers encapsulating the rich, multifaceted narratives of migrants. While they hold significant cultural and emotional value, challenges in acquisition and authentication, and ethical considerations in display practices, necessitate a thoughtful and respectful approach. Museums are deemed to navigate sensitive topics with care and integrity, engaging with communities and prioritising their voices to create meaningful representations that honour the complexities of migrant experiences. Display strategies and spatial narratives in migration exhibits are

pivotal in shaping visitor engagement and interpretation. By blending chronological and thematic methods, interactive experiences, and multimedia, curators can cultivate meaningful exhibitions that inspire empathy and dialogue among diverse viewers.

Curatorial choices play a vital role in shaping the narratives constructed around migration. Balancing individual stories with broader historical contexts, representing diversity within migrant communities, and addressing controversial topics are essential for creating meaningful exhibitions. Engaging visitors and interpreting migrants and migration are crucial aspects of museum practice. Educational programmes and guided tours are critical to facilitate understanding, while strategies encouraging empathy and promoting dialogue are essential for creating meaningful experiences. The challenges and criticisms surrounding migration displays and narratives highlight the complexities of representation in museum contexts. Navigating the tension between representation and tokenism, balancing celebration with hardship, and addressing gaps in collections are critical for creating meaningful and authentic exhibitions. The future of migration museums lies in embracing collaborative, digital, and transnational practices that enhance engagement, representation, and accessibility. Ongoing research and practice in these areas will be crucial for museums to fulfil their roles as inclusive and dynamic cultural institutions in an increasingly interconnected world. The representation and interpretation of migration in museums is a complex, multifaceted endeavour that requires careful consideration of objects, displays, and narratives. Museums, as sites of memory, can shape how migration is understood and experienced by the public. Collaboration between all types of museums, irrespective of ownership, can facilitate such objectives. By seriously engaging with diverse migration narratives, integrating community-driven curation, employing ethical practices, leveraging interactive approaches, and forming international partnerships, museums can foster understanding and inclusivity, encourage empathy and dialogue within diverse audiences, and contribute to a more nuanced public discourse on migration issues, identity, and belonging, ultimately contributing to a more informed and compassionate society.

Overall, this study demonstrated that the role of objects, display design, and the construction of narratives are not neutral; they reflect broader socio-political dynamics and cultural power structures. Museums that challenge traditional national narratives and foreground migrant voices contribute to the ongoing dialogue about identity, belonging, and the future of migration in a globalised world. In this, grassroots museums like those studied here pioneer and contribute to the better visualisation of different types of migration often neglected in national and institutional migration museums. Celebrating and presenting emigration or immigration differs from displaying the transiting migrations experienced and represented in the two central Mediterranean grassroots museums. The two museums, as examples of grassroots initiatives, could hugely impact public perceptions and stereotypes promoted by the media or even by displays and narratives of State and institutional museums. The study reveals the need to recognise and value the efforts and commitments of such grassroots museums, which, despite lacking resources and support for their projects, voluntarily raise consciousness about a global concern like transitory migrations. Such objects and this matter may not meet the criteria for display in State or Establishment museums, as undeniably migrations represent a significant concern for numerous countries and their institutions.

The issue of migration discussed here is, however, not limited to migrants moving or transiting between different countries, regions, or continents. It also pertains to individuals and families compelled to leave their homes due to gentrification linked to political and institutional manipulation of civil territories, as well as so-called regeneration projects which strip locals of their ancestral homelands and localities, or parts thereof: aspects which were not within the scope of this study.

References

- Agutter, K., Bouvet, E., Glenn, D., Leader-Elliott, L., Finnimore, C., Cosmini-Rose, D., & Palaksoglou, M. (2013). Migrants' Belongings: Preliminary considerations of Greek and Italian migrants' travel trunks in the post-Second World War period of settlement to South Australia. *Journal of Modern Greek Studies*. Special Issue, 305-324. Retrieved May 25, 2025, <https://core.ac.uk/download/14947735.pdf>.
- Appadurai, A. (1988). *The Social Life of Things: Commodities in Cultural Perspective*. Cambridge University Press.
- Aydin, F.E. (2023). *Syrian Newcomer Objects: A Study in Material Culture and Forced Migration*. [Master of Arts Thesis. McMaster University.] *Handle.net*. <http://hdl.handle.net/11375/29381>
- Baldwin, K. (2021). Displaced Lives: Object Provenance in Migration Studies. *Journal of Cultural Heritage*.
- Baur, J., Hofmann, K., Bernbeck, R., & Sommer, U. (2017). *Staging Migration -Staging the Nation. Imagining Community at Immigration Museums*. In Kerstin P. Hofmann, Reinhard Bernbeck and Ulrike Sommer (Eds.), *Between Memory Sites and Memory Networks. New Archaeological and Historical Perspectives, Berlin Studies of the Ancient World. Vol. 45*. Berlin: Edition Topoi, 341-357. DOI: 10.17171/3-45 Retrieved May 25, 2025, <https://core.ac.uk/download/199412742.pdf>
- Bellina, F. (2024). *Ex Voto in Zarzis, Tunisia*. [Project] PhMuseum.Italy. <https://phmuseum.com/projects/ex-voto-in-zarzis>
- Bennett, T. (2008). Civic Seeing: Museums and the Organization of Vision. In Bennett, T. *Critical Trajectories: Culture, Society, Intellectuals*. Wiley-Blackwell. pp. 263–281. DOI: [10.1002/9780470696415.ch7](https://doi.org/10.1002/9780470696415.ch7)
- Bennett, T. (1995). *The Birth of the Museum: History, Theory, Politics*. 1st edition. New York: Routledge. p.129. <https://doi.org/10.4324/9781315002668>.
- Bennett, T. (2013). *Culture: Policies and Politics The Birth of the Museum, History, Theory, Politics*. Ebook. Routledge. 89-105. https://digitalcuration.umaine.edu/resources/bennett_political_rationality_museum.pdf
- Blaise, L. and Tlili, H. (2024). Migration museum in Tunisia: an artist pays tribute to migrants. Eye on Africa: Tunisia, *France 24*. <https://www.france24.com/en/video/20241107-migration-museum-in-tunisia-an-artist-pays-tribute-to-migrants>
- Bodo S. (2008). 'From "heritage education with intercultural goals" to "intercultural heritage education": conceptual framework and policy approaches in museums across Europe', in ERICarts Institute, *Sharing Diversity. National approaches to intercultural dialogue in Europe, final report of a study carried out on behalf of the European Commission – Directorate General for Education and Culture* (www.interculturaldialogue.eu).
- Bodo S. (2018). Museums as intercultural spaces. In [Sheila Watson](#), [Amy Jane Barnes](#), [Katy Bunning](#) edit. *A Museum Studies Approach to Heritage*. 1st edition. <https://doi.org/10.4324/9781315668505>
- Bodo, S., Gibbs, K., & Sani, M. (2009). *Museums as places for intercultural dialogue: selected practices from Europe*. [https://www.ne-mo.org/fileadmin/Dateien/public/service/Handbook MAPforID EN.pdf](https://www.ne-mo.org/fileadmin/Dateien/public/service/Handbook_MAPforID_EN.pdf)
- Buntinx, G., Kirshenblatt-Gimblett, B., and Rassool, C. (2006). *Museum Frictions: Public Cultures/Global Transformations*. Duke University Press. <https://doi.org/10.2307/j.ctv11cw1hd>.
- Caselli, I. (2019). This museum documents the tragic past and present of migration, *INFOMIGRANTS*. <https://www.infomigrants.net/en/post/18781/this-museum-documents-the-tragic-past-and-present-of-migration>
- Charr, M. (2024). The Role of Digital Engagement in Museums. *MuseumNext*. <https://www.museumnext.com/article/the-role-of-digital-engagement-in-museums/>
- Cimoli, A.M. (2013). *La memoria del mare. Oggetti migrante nel Mediterraneo*. A photographic exhibition. https://www.mela-project.polimi.it/upl/cms/attach/20130201/171803167_5699.pdf

- Coates, C. (2023). Museums working with refugees and migrants. (2019, July 30). *MuseumNext*. <https://www.museumnext.com/article/the-social-impact-of-museums-working-with-refugees-and-migrants/>
- Crang, M., & Tolia-Kelly, T. (2010). Landscape and Identity: Cultural Narratives in Migration Exhibitions. *Environment and Planning A*.
- Crang, M., & Travlou, P. S. (2001). The City and Topologies of Memory. *Environment and Planning D: Society and Space*, 19(2), 161–177. <https://doi.org/10.1068/d201t>
- Delgado, E. (2009). Museums as Spaces of Negotiation. In *Museums as places for intercultural dialogue: selected practices from Europe*. MAP for ID. 8. https://www.ne-mo.org/fileadmin/Dateien/public/service/Handbook_MAPforID_EN.pdf
- Dobellini, M. (2024). *MdS – Mar dei Sargassi*. <https://www.mardeisargassi.it/giacomo-sferlazzo-a-lampedusa-recuperiamo-gli-oggetti-dei-migranti-ma-serve-una-coscienza-diversa/>
- Falk, J. H. (2009). Identity and the Museum Visitor Experience. AltaMira Press.
- Falk, J. H., & Dierking, L. D. (2000). Learning from museums: visitor experiences and the making of meaning. Altamira Press.
- Falk, J. H., and Dierking, L. D. (2013). The Museum Experience Revisited. Left Coast Press.
- Fenech, A. (2024). Malta's Beautiful Maritime Museum Reopens With New Exhibition "An Island at the Crossroads" *Beseeingyou*. <https://beseeingyou.world/malta-maritime-museum-reopens-new-exhibition/>
- Ferrer, A. G., and Cebolla-Boado, H. (2018). Los hijos de la inmigración en España: valores, aspiraciones y resultados. *Informe España*. 111-164. <https://blogs.comillas.edu/informeespana/wp-content/uploads/sites/93/2019/05/Informe-Espa%C3%B1a-2018-completo.pdf>
- Frankling, K. J. (2011). *The Happy Migrant: Your Relocation Survival Guide*. https://natlib-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=NLNZ_ALMA11380741330002836&context=L&vid=NLNZ&lang=en_US&tab=catalogue
- Galata Museo del Mare. https://www.mela-project.polimi.it/upl/cms/attach/20130201/171803167_5699.pdf
- Garrett, P. W., Dickson, H. G., Young, L., & Whelan, A. K. (2008). "The Happy Migrant Effect": perceptions of negative experiences of healthcare by patients with little or no English: a qualitative study across seven language groups. *Quality and Safety in Health Care*, 17(2), 101–103. <https://doi.org/10.1136/qshc.2007.022426>
- Gonzalez, M. (2020). Immersive Experiences in Museum Displays: Engaging Audiences with Migration Narratives. *International Journal of Museum Studies*.
- Guedes Auditor, J. G., & Erlinghagen, M. (2021). The Happy Migrant? Emigration and its Impact on Subjective Well-Being. In: Erlinghagen, M., Ette, A., Schneider, N.F., Witte, N. (eds) *The Global Lives of German Migrants*. IMISCOE Research Series. Springer, Cham., 189-204. https://doi.org/10.1007/978-3-030-67498-4_11
- Hall, S. (1997). *Representation: Cultural Representation and Signifying Practices*, SAGE, 1-11. 15-26. <https://ayomenulisfisip.wordpress.com/wp-content/uploads/2015/08/hall-1997-representation.pdf>
- Hall, S. (2024). Global Identity Perspectives. Fiveable. <https://fiveable.me/key-terms/global-perspectives-on-identity-and-diversity/stuart-hall>
- Haney, T., Fadel, L., Ben Brahim, S., and Claire Harbage, C. (2022). A Tunisian artist is hoping to keep the memories of migrants alive. NPR. <https://www.npr.org/2022/12/21/1142797756/a-tunisian-artist-is-hoping-to-keep-the-memories-of-migrants-alive>
- Harrison, R., Appelgren, S. and Bohlin, A. (2018) Belonging and Belongings: On Migrant and Nomadic Heritages in and for the Anthropocene, *Archaeologies of Forced and Undocumented Migration*, Chapter 17, 209-220. <https://journals.equinoxpub.com/index.php/books/article/viewFile/2578-1196-1/35441>
- Hein, G. E. (1998). *Learning in the Museum*. Routledge.

- Hobsbawm, E. (1983). Introduction: Inventing Traditions. In *The Invention of Tradition*. Cambridge University Press. 1-14.
- Hooper-Greenhill, E. (2000). *Museums and the interpretation of visual culture*. Routledge.
- Hooper-Greenhill, E. (2007) *Museums and Education: Purpose, Pedagogy, Performance*, Routledge.
- ISOT Community. (2024). Celebrating Migration: The Role of Culture in Resilience and Identity. <https://isotcommunity.com/index.php/2024/12/21/celebrating-migration-a-journey-of-resilience-and-opportunity/>
- Karp, I., & Lavine, S. (1991). *Exhibiting cultures: The poetics and politics of museum display*. Smithsonian Institution Press.
- Karp, I., Kratz, C. A., Szwaja, L., & Ybarra-Frausto, T. (Eds.). (2006). *Museum Frictions: Public Cultures/Global Transformations*. Duke University Press. <https://doi.org/10.1215/9780822388296>. and <https://archive.org/details/museumfrictionsp0000unse/mode/2up?q=migration>
- Labadi, S. (2018). *Museums, Immigrants, and Social Justice*. Routledge.
- Lauser, A. (2022) *Material Culture and (Forced) Migration: Materialising the transient*. UCL Press. https://www.academia.edu/102674426/Material_Culture_and_Forced_Migration_Materialising_the_transient
- Leinhardt, G., & Knutson, K. (2004). *Listening in on Museum Conversations*. AltaMira Press.
- Macdonald, S. (2013). *Memorylands. Heritage and identity in Europe today*. Routledge. 9. DOI:[10.4324/9780203553336](https://doi.org/10.4324/9780203553336)
- Marschall, S. (2019). "Memory objects": Material objects and memories of home in the context of intra-African mobility. *Journal of Material Culture*, 24(3), <https://doi.org/10.1177/1359183519832630>
- McGhie, H.A. (2020). Museums and Human Rights: human rights as a basis for public service. *Curating Tomorrow*. <https://curatingtomorrow236646048.wordpress.com/wp-content/uploads/2022/03/museums-and-human-rights3-2020.pdf>
- Merrimen, N. (1995). Museum Visiting as a Cultural Phenomenon, In Peter Vergo, *The New Museology*, Reaktion Books.
- Migration Museum. (1998). *A Twist of fate, an experience of war, pain, torture and survival : refugees in Australia / presented by the Migration Museum*. Adelaide, [S. Aust.] : Migration Museum . <https://nla.gov.au/nla.cat-vn364069>.
- Miller, N. (2016). Diversity in Museums: More Than Just a Buzzword. *Museums as Progress*. <https://museumprogress.com/letters/diversity-and-museums>
- Nightingale, E. (2015). Lovely Lampedusa and PortoM – M for Mediterranean, Migration, Memory or Militarisation? <https://eithnenightingale.com/2015/06/13/lovely-lampedusa-and-portom-m-formediterranean-migration-memory-or-militarisation/>
- Nikolić Đerić, T. (2023). What Audiences Feel? Exhibitions as Agents of Empathy and Resilience: a Qualitative Evaluation-based Perspective. *Ethnological Research* – 28, 157-167. <https://doi.org/10.32458/ei.28.7>
- Oliva, A. and Torralba, A. (2007). The role of context in object recognition. *Trends in Cognitive Sciences*. Volume 11, Issue 12, 520-527. <https://doi.org/10.1016/j.tics.2007.09.009>
- Parry, R. (2010). *Recoding the Museum: Digital Heritage and the New Media*. Ashgate. <https://archive.org/details/recodingmuseumdi0000parr>
- Pegno, M. and Brindza, C. (2024). *Community-Based Curation: A Toolkit for Expanding Narratives and Changing Practices*. Tucson Museum of Art and Historic Block. https://www.tucsonmuseumofart.org/wp-content/uploads/2024/04/TMA_CommunityBasedCuration_Toolkit_FINAL_web.pdf
- Queens Museum, Immigrant Movement International (2011) <https://queensmuseum.org/program/immigrant-movement-international-2/>
- Raat, E. (2009). Intercultural dialogue in the Netherlands: Imagine, Identity and Culture. In *Museums as places for intercultural dialogue: selected practices from Europe*. MAP for ID. 64. https://www.ne-mo.org/fileadmin/Dateien/public/service/Handbook_MAPforID_EN.pdf

- Rose, G. (1997). Spatialities of 'community', power and change: The imagined geographies of community arts projects. *Cultural Studies*, 11(1), 1–16.
<https://doi.org/10.1080/09502389700490011>
- Rygiel, K. (2024). *Migration, Cosmopolitanism and Civil Society: Fostering Cultural Pluralism Through Citizenship Politics*: Routledge, Taylor & Francis.
- Salvi, A. (2009). Introduction to pilot projects in Emilia-Romagna. In *Museums as places for intercultural dialogue: selected practices from Europe*. MAP for ID. 54. https://www.ne-mo.org/fileadmin/Dateien/public/service/Handbook_MAPforID_EN.pdf
- Sartor, A. (2016). *Artifacts of Representation: The Makings of Indigeneity in Argentine Museums*.
<https://core.ac.uk/download/151574151.pdf>
- Shehade, M. and Stylianou-Lambert, T. (2020). Virtual Reality in Museums: Exploring the Experiences of Museum Professionals. *Applied Sciences* 10, no. 11: 4031. <https://doi.org/10.3390/app10114031>
- Simon, N. (2010). The Participatory Museum, *Museum 2.0*.
[https://books.google.com.mt/books?id=qun060HUcOcC&printsec=frontcover&dq=Simon+\(2010\)+a+advocates+for+participatory+museum+practices+which+empower+communities&hl=en&newbks=1&newbks_redir=1&sa=X&ved=2ahUKEwja4pr6pNSJAXMg_0HHUkOEhMQ6AF6BAgEEAI](https://books.google.com.mt/books?id=qun060HUcOcC&printsec=frontcover&dq=Simon+(2010)+a+advocates+for+participatory+museum+practices+which+empower+communities&hl=en&newbks=1&newbks_redir=1&sa=X&ved=2ahUKEwja4pr6pNSJAXMg_0HHUkOEhMQ6AF6BAgEEAI) and
<https://participatorymuseum.org/>
- Simon, N. (2022). The Participatory Museum: Engaging Communities in Object Interpretation. *Museum Studies Review*. <https://participatorymuseum.org/preface/>
- Stevenson, N. (2019). Developing cultural understanding through storytelling. *Journal of Teaching in Travel & Tourism*, 19:1, 8-21.
<https://www.tandfonline.com/action/showCitFormats?doi=10.1080/15313220.2018.1560528>
- Tsoukala, S., Kalliampakou, I., Theodoropoulou, A., Giannoukou, I. (2025). Digital Engagement in Cultural Institutions: Enhancing Visitor Experience Through Innovative Technologies. In: Katsoni, V., Costa, C. (eds) *Innovation and Creativity in Tourism, Business and Social Sciences*. IACuDiT 2024. Springer Proceedings in Business and Economics. Springer, Cham.
https://doi.org/10.1007/978-3-031-78471-2_15
- Vella, J. (2023). Mediterranean migrations: A museological perspective. *Mediterranean Journal of Migration*. University of Malta. Volume 1, Issue 1.
<https://www.um.edu.mt/library/oar/handle/123456789/116364>
- Vella, J. (2024). Defining the micromuseum from curators' perspectives. *Discover Global Society*. Taylor & Francis. 2, 71. <https://doi.org/10.1007/s44282-024-00095-z>
- Vella, J. and Cutajar, J. (2017). Small museums in socially deprived areas and identity. In Antos, Z., Fromm, A. & Golding, V. (Eds), *Museums and Innovations* (pp. 30-43). Cambridge Scholars Publishing.. https://icme.mini.icom.museum/wp-content/uploads/sites/16/2019/01/ICME_2014_John_Vella.pdf and
https://www.um.edu.mt/library/oar/bitstream/123456789/44338/1/Small_museums_and_identity_in_socially_deprived_areas_2017.pdf
- Whitehead, C., Eckersley, S., and Mason, R. (2012). *Placing Migration in European Museums: Theoretical, Contextual and Methodological Foundations*. Politecnico di Milano DPA.
- Whitehead, C., Eckersley, S., Lloyd, K., and Mason, R. (2015). *Museums, Migration and Identity in Europe: Peoples, Places and Identities*. London: Routledge.
- Wilcox, A. (2020). Significant Objects as Metaphor for Home. Master's Theses. 159.
<https://digscholarship.unco.edu/theses/159>
- Zlatkou, I. (2018). Representing Migration in Inclusive Museums: The Humanity House. 6, 8-9, 11.
https://www.academia.edu/72572736/Representing_Migration_in_Inclusive_Museums_The_Humanity_House
- Zort, Ç., Karabacak, E., Öznur, Ş., and Dağlı, G. (2023). Sharing of cultural values and heritage through storytelling in the digital age. *Frontiers in Psychology*.
<https://doi.org/10.3389/fpsyg.2023.1104121>



Migrants' Communication with Local People in the Receiving Country: Experiences and Approaches in Malta¹

Seyma Esin Erben² ^a, Gorg Mallia³ ^b

^a Postdoctoral researcher, University of Malta

^b Media and Communications, Faculty of Media and Knowledge Sciences, University of Malta

Abstract

A small island country in the Mediterranean, Malta ranks among the most densely populated EU countries. The fact that Malta is a strategic location between Africa and mainland Europe and that nearly a quarter of its population are migrants gives it a notable position in migration studies. Although interdisciplinarity is inevitable in migration studies, the field of communication is often neglected. The primary purpose of this ethnographic study is to explore how migrants' experiences shape their communication approaches with local people and the receiving society in Malta. To examine this, thirty-five migrants were interviewed, and participant observation was conducted over a period of fifteen months in 2023-2024. Based on the results, migrants are categorised into four groups according to their varying interaction experiences with the local people: hesitant migrants, selective migrants, migrants with positive outlooks, and neutrals. Notably, non-EU migrants who are exposed to ethnic discrimination and discriminatory social media content have a negative approach to communication with local people. In addition, socio-economic conditions play a decisive role in the communication processes of migrants, and proficiency in Maltese is seen as one of the keys to overcoming bureaucratic obstacles for migrants rather than achieving social inclusion. In light of the results, the study demonstrates the need for policymakers, NGOs, and all relevant stakeholders to develop inclusive communication strategies that strengthen relationships between migrants and local people.

Keywords: Malta, migration, social communication, local people, receiving society

Introduction

The increasing migrant population in Malta in recent years has drawn significant attention from social science researchers, who are examining its multifaceted impact across economic, political, cultural, sociological, and psychological dimensions. Processes linked to migration terms, such as *social integration*, *social inclusion*, *acculturation*, and *assimilation*, inherently come into focus with the onset of communication between the established arrangements of the sending and receiving countries, and between the migrants and the receiving society. Scholten, Pisarevskaya, and Levy (2022) emphasise that migration studies is not a discipline, but rather a research field with roots in disciplines such as sociology, economics, geography, and anthropology, to which an increasing number of other disciplines

¹ The originally published version of this article contained an error in the author order. The correct order is Seyma Esin Erben and Gorg Mallia. This has been amended in the online version of the journal.

² For correspondence: esin.erben@gmail.com

³ For correspondence: gorg.mallia@um.edu.mt

contribute. In this context, research on communication in migration studies is inevitably conducted using an interdisciplinary approach.

Communication between migrants and local people is one of the primary aspects of shaping migrants' relationships with the receiving country. Naturally, language proficiency also plays a crucial role in these communication processes. The ability to use language effectively is directly linked to interpersonal and social communication, and, as a result, it is tied to all social interactions. Esser (2006) emphasises the importance of migrants meeting the formal and informal competencies in national/official languages, and a lack of language competence (even in terms of accent) is one factor that creates inequalities for migrants in the conduct of daily work and areas such as education and the labour market.

However, it would be assertive to say that language proficiency alone plays a decisive role. The importance of language skills may not be as tremendous as other social interaction processes. As Saygi's (2022) research demonstrates, despite linguistic, ethnic, and religious ties, migrants' sense of belonging to the receiving society may not occur as expected because of historical, cultural, and political dynamics.

The fact that Malta has two official languages, English and Maltese, creates a different language proficiency dynamic for migrants compared to countries with a single official and dominant local language. Most Maltese people have a high proficiency in English, so migrants do not intend to learn Maltese for everyday interactions. The official bilingualism of local people sets Malta apart from many other countries that receive a considerable number of migrants.

Malta's unique language environment is meaningful not only for communication, but also for the cultural diversity brought about by English-speaking migrants. Wieviorka (2014) says that despite the power mechanisms in different countries that tend to define migrants as a social problem due to their increasing numbers, migrants bring new forms of culture and diversity to the receiving country. One of the forms of communication in migrants' culture is non-verbal communication. These non-verbal interaction processes between migrants and the receiving society can continue even when verbal communication is not ongoing. Therefore, the continuity of communication between the receiving society and migrants should be carefully considered.

This research intends to address many different social aspects, such as ethnic and cultural diversity, language diversity, and religious diversity in Malta, all in relation to migrants' approaches to communication with local people. Within this relationality, the socio-economic repositioning stage, or the state of being positioned, is essential due to the essential nature of being a migrant. For example, migrants' socio-economic statuses and their social capital related to this position may not be recognised by the receiving country, while their native languages do not change; in this context, migrants' endeavours towards forming a new socio-economic status are inevitably reflected in their communication processes.

This study aims to understand migrants' approaches to communication with local residents in a small Mediterranean island nation, characterised by cultural diversity, an active social life, and an intense social interaction. The study first examines the literature on communication on migration and the communication processes within the different dimensions of being a migrant in Malta. The findings from the unique and large amount of data, obtained through participant observations and interviews, are used to discuss complex social processes and to inspire new interdisciplinary studies in the literature.

A review of the relevant literature

Migrants' communication: Role of locals in the receiving country

The technological innovations in the last quarter of the 20th century, which Castells (2007) describes as a technological revolution based on information, have permeated every aspect of life, including daily, recurrent tasks such as thinking, producing, and communicating. Since the 1990s, the digital transformation in information, communication, and transportation technologies and the rapid increase in the accessibility of these technologies have brought about a prompt change in both communication and migration processes compared to ever before. While digital transformation accelerates individual/social

activities and online/offline mobilisation, the COVID-19 pandemic has added to this transformation as a driving force. As of 2020, 3.6% of the world's population (an estimated 281 million people) are migrants, and it is too early to provide definitive information on how the COVID-19 pandemic will shape migration trends (McAuliffe et al., 2024).

Health communication, workplace communication, language, and the use of digital media are some of the interdisciplinary migrant communication research topics to be found in the literature. Regardless of how migration occurs, communication between migrants and the receiving society is inevitable. The connection between sending and receiving countries can be kept alive through communication and transportation technologies, and these tools encourage transnational migration (Pries, 2022). It becomes easier for migrants to learn about migration movements from the Internet and social media (Kraler & Reicher, 2022).

Many elements are involved in the migration process and migrant communication. While language proficiency alone is insufficient for communication and maintenance, it remains crucial. Language is a means of communication and a tool through which meanings are constructed (Chambers, 2019). The proficiency of migrants in the national language of the receiving country does not mean that the meanings desired or expected by individuals are produced and transmitted; there are other mitigating elements, for example, shared common history and culture, which also shape communication processes, in much the same way that the language of a country does.

Based on the functional perspective of nationality, Deutsch (1966) states that every nation has common aspects, such as learned and shared habits, symbols, and memories. Deutsch also suggests that people communicate more with the members of the nation they are a member of than with the others (outsiders), regardless of the number of languages they speak. Triandafyllidou (2022) underlines Deutsch's view that national unity is not equivalent to effective communication and argues that every nation exists with Otherness. In this context, Triandafyllidou suggests that the migrant is the Other who crosses the nation's border and threatens the values with which the in-group identifies. Therefore, while language has an essential role in the communication of migrants, there are many other factors to consider.

The AMICALL report on the studies conducted on migrant communication in local and regional areas covering six European countries draws attention to the negative tension at local and regional levels despite the different public attitudes towards migrants (COMPAS, 2012). Dennison and Dražanová (2018) discuss the variability of attitudes towards migration in their research on the Euro-Mediterranean region. The funnel of causality of attitudes to migration, as generated by the researchers, reveals both stable and unstable factors in the formation of attitudes towards migration. Accordingly, personal and social factors - such as human values, personality type, tertiary education, lifestyle, and ideology - have a more stable effect. In contrast, political and media influence, as well as economic competition, exert a weaker impact.

According to the Mediterranean City-to-City Migration Project (MC2CM) report of ICMPD, UN-Habitat and UCLG (2019), the local communication difficulties on migration are divided into five groups. These can be summarised as follows:

1. A limited number of experts and resources to develop communication strategies.
2. Barriers to accessing information for both migrants and public service employees.
3. Negative public opinion on migration and the complexity of concepts related to migration at both political and media levels.
4. A lack of prioritisation or inability to prioritise the resources required for communication activities.
5. The creation of a negative perception of migration for short-term political gain, often driven by populist ideologies.

At the national level, governments are likely to make these difficulties more complex with their general migration policies. Aquino, Kathiravelu, and Mitchell (2022) emphasise the emergence of new forms of discrimination with contemporary migration. These forms of discrimination have become so pronounced that they are now evident even in groups of the same race or ethnicity. Therefore, the overlapping forms of discrimination have further complicated the concepts. Consequently, creating an effective communication strategy against all aspects of discrimination against migrants, such as xenophobia,

racism, ethnic discrimination, and country-of-origin discrimination, can only be achieved with the contribution of all national, local, and international stakeholders and actors.

Ahad and Banulescu-Bogdan (2019) argue that public attitudes towards migrants have become increasingly polarised following the arrival of a large number of migrants to Europe between 2015 and 2016 – the most significant movement of people to the continent since World War II. In such a climate, strategies for integration communications, which refer to how governments communicate about migrant integration with the public and stakeholders, contribute to the development of divergent narratives. Ahad and Banulescu-Bogdan indicate that governments have adopted integration communications that include four primary groups: the inclusive group, which promotes social diversity; the informational group, which focuses on facts and statistics; the persuasive group, which targets voters with a specific policy; and the proactive group, which plays a calming role in emergencies.

Communication on migration in Malta

Demographic statistics do not provide direct insight into migrant communication and social and cultural processes, but they can help understand these processes in detail. As of the end of 2023, Malta's population was about 563,000, an increase of almost 4% compared to the previous year (NSO, 2024). Malta is an island country with a small but dense population and is one of the destinations for irregular migration from West and Central Africa to Europe (IOM, 2023). As of 2023, 28.3% of the Maltese population was foreign-born, and 20.9% was non-EU-born (European Commission, 2024a), making Malta a notable country in migration studies.

Malta's geographical location is on the external border of the European Union (Schiavon & Orsini, 2013). It is an island country familiar with international visitors through sectors such as tourism and language schools, and its location on the irregular migration route necessitates a unique evaluation of Malta. After joining the EU, the number of asylum seekers increased significantly. In recent years, migration trends have changed, with many individuals migrating to Malta for economic purposes (European Commission, 2024b). This increase has inevitably prompted the local population to rethink and adapt their approaches to migration, and a recent study provides a clear idea of the general framework for this evolving dynamic. The Special Eurobarometer 469 (European Commission, 2018) report, based on surveys covering 28 Member States of the European Union (EU) in 2017, demonstrates that Malta shares first places with Greece, Hungary, and Italy in the Fear Index, including crime, welfare, cultural, and employment threat factors. The report reveals that 63% of Maltese participants in the survey considered migration to be a problem (Dennison & Dražanová, 2018).

Diversity in Malta is evident in everyday life and is reflected in the different communication and interaction approaches between migrants and local people. An ethnographic study with repeated visits to the island between 2013 and 2018 by McAdam and Otto (2020) reveals that the change in locals' opinion that emerged after Malta officially joined the EU in 2004 originated from concerns such as uncertainty about the future and worries about injustice. McAdam and Otto's research draws attention to the fact that the welcoming attitude in the tourism sector, which has a vital place in the island's economy and social life, is combined with scepticism towards irregular migrants, in particular, and the perception of threat regarding migration to the island. Based on the study, local people's attitudes towards migrants are shaped by perceiving irregular migrants as a cultural threat, concerns about perceived welfare system abuse and the excessive increase in population density, and the perception that Malta's responsibility for migrants is not adequately shared within the EU. However, participants linked concerns about the welfare system and the future more with irregular migrants, and migrants who could sustain their own lives independently were not seen as a significant cause for concern.

An earlier study conducted with forty asylum seeker participants, most of whom were from African countries of origin, examined the communication processes of migrants in Malta. In this study, Grech and Cheng (2010) revealed that migrants held a more closed attitude towards the receiving country and were dissatisfied with the services they received. According to Grech and Cheng, the primary reason for this dissatisfaction is the communication difficulties migrants face.

Popova (2020) states that the factors of ineffective social communication between displaced migrants and local people in the receiving society are prejudice, stereotypes, the collective trauma experience of displaced people, differences in needs based on personal experiences, language, and the labour market. The fact that the communicating parties do not know each other well enough and do not understand sociocultural differences complicates the communication process. The parties making inferences gather the information and reach conclusions from direct and indirect communication channels.

Methodology

Significance of the study

The concept of migration is largely grounded in state administrative definitions such as residency, taxation, and citizenship. Accordingly, migration is defined by the crossing of administrative borders. In particular, crossing international borders and obtaining a visa or residence permit are critical aspects of migrants' lives (de Haas et al., 2020). For this research, migrants are deemed to be individuals who relocate their residence internationally across borders.

There is a lack of current communication studies on migrants in Malta within social science research. Except for a 2010 study on the communication of migrants (Grech & Cheng, 2010), studies focusing on social communication, media, or social media in relation to migrant communication are limited in number and only indirectly address communication processes (Cassar et al., 2016; Depares & Culley, 2022; Mainwaring & Stierl, 2025).

This interdisciplinary study is closely linked to the topics that migration researchers frequently study, such as inclusion, integration, acculturation, and assimilation (Berry, 1997; White, 2025). The research focuses on the communication approaches from the viewpoint of migrants. It makes an up-to-date contribution to the literature on communication and migration while providing a perspective on migrants' interaction processes for local and national policymakers and civil society.

Purpose of the study

The main objective of this study, designed as an ethnographic model, is to understand and examine the experiences and approaches of migrants in Malta in communicating with local people. In this regard, we sought answers to the following questions:

- How do the demographic characteristics of migrants, such as age, gender, educational level, and country of origin, influence their communication approach with local people?
- What are migrants' perspectives about their involvement in communication processes with local people?
- How do experiences of migrants with Maltese attitudes towards migrants relate to migrants' communication processes with local people?

Sampling and data collection

The research population consists of migrants aged 18 and above who have been residing in Malta for a minimum of six months. Individuals who could not communicate effectively in English were excluded from the study, as all interviews were conducted in English. Likewise, participants who could not provide informed consent or who did not have a stable residence in Malta (such as cruise ship workers or travelling digital nomads) were also excluded. For this qualitative study, snowball sampling was employed for semi-structured interviews.

Interview questions were developed in accordance with the research ethics of the University of Malta, and an application for data collection was submitted through URECA, the University of Malta's platform for research ethics review, prior to the commencement of interviews, and was approved by the Faculty Research Ethics Committee (FREC). In total, 35 interviewees were reached through the referrals provided by the initial four participants.

Research data were collected through participant observation and semi-structured interviews, two qualitative data collection methods suitable for studying communication ethnography. Semi-structured interviews were conducted in English with thirty-five participants between April 2023 and March 2024. Seven interviews were conducted online (via Skype, WhatsApp, or FaceTime), and twenty-four were conducted face-to-face. Since four interviews could not be conducted face-to-face or online simultaneously, they were initiated via the online interview form.

To ensure data protection, participant anonymity was meticulously maintained throughout the research process. Identifiable information was excluded, and written notes were taken instead of audio or video recordings. Direct quotations were confirmed with participants during the interviews and included in the text with their consent. Each participant was assigned a code beginning with the letter "P" (for participant), which was used in the presentation of findings.

Data were stored in a Google Drive folder protected by two-step verification. The research was explained to all participants, who then provided informed consent either by signing a written form during face-to-face interviews or by approving a digital form for online interviews. They were clearly informed that they could withdraw from the interview at any time. All interviews were conducted directly by the researcher without intermediaries.

The researcher commenced unstructured field observations, one of which spanned fifteen months in Malta, beginning in December 2022. Yıldırım and Şimşek (2016) describe unstructured field observations as a method where the researcher immerses themselves in the culture and subculture of the subject under study, effectively becoming part of it.

To gain a comprehensive understanding of the culture of migrants, one of the researchers, who is also a migrant living in Malta, actively participated in daily life activities, attended migrants' community events, such as festivals and religious ceremonies, and observed social movements during data collection. The researcher took detailed notes focusing on the experiences of migrants in lower-income groups, including taxi drivers, waitpeople, construction workers, and senior caregivers, and their interactions. Moreover, the researcher observed conversations in migrants' discussion groups on Facebook, Malta's dominant social media platform. Comments under the online newspaper's posts on Instagram and discussions on Reddit were also considered observation data.

Findings

Demographics

Table 1. Demographics of participants

Pseudonym	Gender	Age	Country of Origin	Duration in Malta
P1	Female	35	Scotland	13 years
P2	Male	37	Finland	5 years
P3	Female	38	Slovakia	10 years
P4	Male	35	Egypt	11 years
P5	Male	37	Nepal	8 months
P6	Female	32	Italy	9 years
P7	Male	30	Syria	7 years
P8	Female	25	Tunus	2 years
P9	Female	33	England	5 years
P10	Female	32	Turkiye	4 years
P11	Male	34	Greece	6 years
P12	Female	32	USA	One year
P13	Male	39	Brasil	6 years
P14	Male	44	Spain	6 years
P15	Male	53	USA	3 years
P16	Male	43	Denmark	16 years
P17	Female	31	Colombia	10 months
P18	Male	39	Portugal	5 years
P19	Male	50	Greece	4 years
P20	Male	45	Serbia	8 years
P21	Male	59	Morocco	33 years
P22	Male	40	Serbia	9 years
P23	Male	56	Syria	33 years
P24	Male	29	India	7 months
P25	Male	40	Denmark	6 years
P26	Male	19	Turkiye	One year
P27	Male	28	Russia	One year
P28	Male	29	Gambia	15 years
P29	Female	72	England	19 years
P30	Female	40	Philippines	2 years
P31	Male	36	Morocco	2 years
P32	Male	46	Philippines	6 years
P33	Male	36	Algeria	3 years
P34	Female	33	Ukraine	2 years
P35	Male	41	Netherlands	15 months

To ensure participant anonymity, each interviewee was assigned a pseudonym. Table 1 presents demographic data for the thirty-five individuals interviewed within the research. At the beginning of each interview, all participants were asked about their preferred pronouns. The pronouns they provided have been taken into account in the findings.

Approximately one-third (eleven individuals) of the participants are female. While two of the initial four interviewees selected via snowball sampling were female and two were male, subsequent interviews tended to feature more male referrals.

Almost one-third of the interviewees are between 25-34, with fifteen individuals falling within the 35-44 age group. Seven participants aged 45 and over were interviewed. The youngest participant interviewed was 19 years old, while the eldest participant was seventy-two.

The majority of participants (twenty-five individuals) are from non-EU regions in terms of their country of origin, while ten individuals are from EU countries. A total of twenty-seven different countries were represented among the participants. The length of time participants have resided in Malta varied significantly, ranging from eight months to thirty-three years. A significant portion (nineteen individuals) have lived in Malta for five years or less, while eight individuals have resided in Malta for ten years or more.

Additionally, very few participants (four individuals) had an education at the secondary school level or below. Almost half of them hold a bachelor's degree or are pursuing one, while only three participants have a master's degree.

Occupation of the Participants

Research findings indicate that, apart from participants who were unemployed or students before settling in Malta, a significant portion of those interviewed (fourteen people) pursued a different profession than their original one in their home country. One of the most striking findings regarding the interviewees' professions is that some non-EU participants, who worked as workers in Malta, held professional, managerial, or artisan roles in their home countries before migrating. For instance, P5 was a hotel manager in Nepal but works as a waiter in Malta, while P23, who worked as a garment designer in Syria when he was young, now works as a handyperson in Malta. On the other hand, P4, who was a journalist in Ukraine, had to completely change careers and now teaches English in Malta.

EU migrants who transitioned to different professions in Malta often remained within the same major occupational group or began working in Malta after being students or unemployed.

Income status

Most interviewees (twenty-one individuals) described their income status as middle or upper-middle, while ten individuals assessed their income status as low. Only four participants regarded themselves as having a high income.

Spoken languages

Notably, the four participants whose native language is English, and who are from countries where the official language is English (the UK and the USA), cannot speak any other language than English. More than half of the participants (eighteen individuals) speak at least three languages — one other language besides their native language and English. Only six of the participants can speak Maltese.

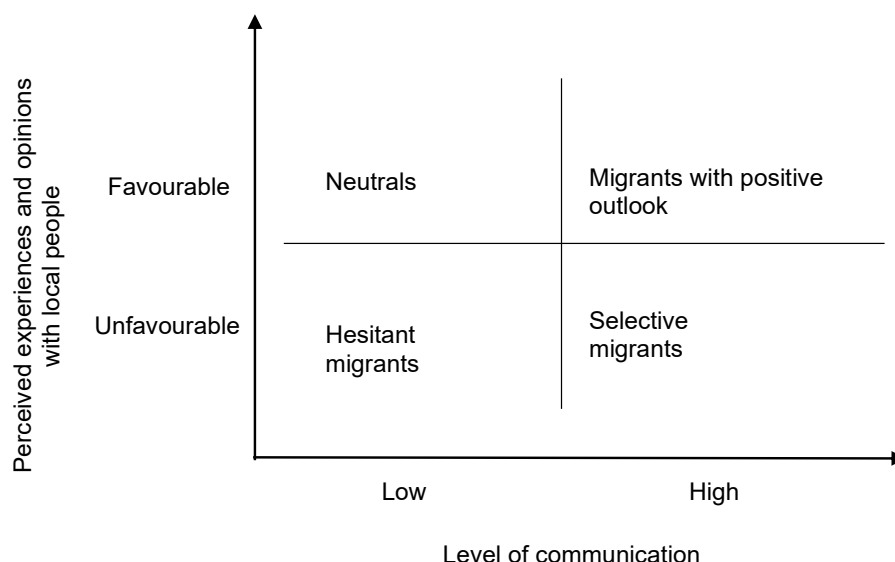
Migrants' communication processes and relations with local people

The research asked participants to describe their interactions with the Maltese people and their communication processes, aiming to understand their direct interactions with the locals. The findings reveal four distinct approaches (see figure 1), which are discussed with the participant observation data:

- **Hesitant Migrants:** These individuals feel detached from the local people, influenced by factors such as prejudice or past and present experiences.
- **Selective Migrants:** This group shares both positive and negative aspects of their communication with the local people.
- **Migrants with a Positive Outlook:** These individuals recount entirely positive experiences in their interactions with the local people.

- **Neutrals:** This group engages with the local people only when necessary and has very limited interaction.

Figure 1. Migrants' communication approaches based on interaction level and experiences with the receiving society



Additionally, some participants evaluate their communication with Maltese people based on generational differences, expressing negative views of their interactions with Maltese seniors. These participants are thus included in the hesitant migrants group.

Hesitant Migrants

Almost one-fifth of the participants (six individuals) evaluated their experiences of interacting with Maltese people as quite negative. P1 (Scottish) says Maltese people judge her, especially because she uses foul language. P1 states that she only has one Maltese friend and then has a limited Maltese network through her family and friends. However, she explains her friendship with a Maltese person with the words, "She's like British! Very like me, she swears like me" and defines the people she makes friends with as people who are not "typical Maltese". She still added, "Not all Maltese people are in the same basket."

P19 (Greek) often works with Maltese people due to his job. P19: "Especially at my workplace, uneducated people have become big people like in Greece thirty years ago. They know nothing. Their projects are EU-funded, but they do not follow EU rules. There is a lot of corruption in the sector I work in." He stated that he experienced conflicts with them not only in communication but also in business processes. Just like P1, he added that he had Maltese friends and emphasised that they were educated.

The findings suggest that hesitant migrants may encounter negative experiences in their interactions with local people, both in social settings and in business environments. One of these, P13 (Brazilian), stated, "Old people hate us." He highlighted his negative experience with elderly local people. Although he mentioned that the young generation is more open to migrants, he also perceives them as careless. However, he attributes these experiences, especially with older local people, to the better economic conditions of the Maltese people.

P15, who migrated from the USA and is originally Venezuelan, offered a different perspective, stating that Maltese people had limited life experience and did not invest in language education or travel to discover new cultures as much as other nationalities. "I don't want to be offensive, but they are so limited to Malta. ...They are very basic people." Ultimately, he had limited interaction and few friendships with local people.

Selective Migrants

They communicate with Maltese people more frequently than the previous group, and working with local people plays an important role. P14 (Spanish), who said that it is difficult to establish close and open communication with the Maltese, stated that to get along well with them, it is necessary to have close contact with them and know each other well. Otherwise, he thinks the Maltese are not very open to communication because they are not "very warm people."

Similarly, P18 (Portuguese) describes the Maltese as "shallow friendly" and mentions the difficulty of establishing close communication with them. In addition, P18 considers their religiousness an obstacle to long-term friendship. P18 thinks the Maltese have an individualisation problem due to their unbreakable attachment to the family.

P32 (Filipino) is another participant who associates family ties with the Maltese being religious. P32's husband, who also touched upon the close family ties in his culture, is Maltese. Just like P14 and P18, P32 sees local people as difficult to befriend: "If Maltese people don't know you, they are very cold. Unlike, we are very friendly. As Filipinos, we trust people easily. Maltese people do not trust people easily."

Unlike other participants, P3 (Slovak) thinks Maltese family ties are weaker, based on her observations and experiences. When P3 was volunteering at an NGO where Maltese people were involved in the project, she had the opportunity to get to know the Maltese people better. During that time, she gained insights into the dynamics of intergenerational relationships among the Maltese and was quite taken aback by what she observed. Her experience underscored the fragility of connections between different age groups: "If my family in Slovakia were to grow old, I would certainly return."

P24 (Indian) mentioned he got along very well with the Maltese people. Additionally, he noted that some Maltese didn't feel pleased because they (Indians) performed their tasks much more effectively than the locals.

Additionally, P21 is the sole interviewee, highlighting the advantage of speaking the local language. P21 (Moroccan, holding Maltese citizenship) states that he gets along well with 80% of the local people he knows. He emphasises that 15% of them are difficult to get along with in Malta, just like everywhere else. "Although I avoid saying that 5% of them are racist... I am lucky that I speak Maltese. I can get along with difficult people. Language helps a lot."

P9 (Italian) highlights the unemployment problem in Italy and states that she moved to Malta due to unemployment or low wages. Despite some negative encounters with Maltese individuals over nine years, P6 (Italian) refrains from labelling them as bad people and does not perceive any significant issues. She appreciates the stability this country has provided her and feels a solid connection to her homeland, where she can converse in her native language whenever desired.

The participants do not hesitate to give self-criticism on their own behalf in their communication and relations with the Maltese. One of them, P9 (English), states, "We live in an apartment. Mostly Maltese (people). Lovely people. As I get older, it becomes harder for me to make friends other than co-workers." He explained his limited communication with the Maltese. Similarly, P18 talked about his good intentions to establish better relations with the people of the receiving country by saying, "Maybe I couldn't be close to them because I was having a hard time."

Migrants with a Positive Outlook

Migrants with a Positive Outlook (thirteen individuals) are more likely to be part of a local friends' group or have relationships with the families of local friends. It is observed that they establish close relationships with local people in their workplaces. For example, P10 (Turkish) shared that she had a good relationship with the Maltese and encountered no difficulties with them. She works alongside local colleagues and expresses feelings like a part of the group, not an outsider. "My Maltese friends help me when I am sick. They bring me things they think will be good for me, such as medicine and chocolate." All the friends of P23 (Syrian, holding Maltese citizenship), who has been living in Malta for thirty-three years, are Maltese, and he never feels like a stranger around them. P35 (Dutch) considers himself lucky to get along well with the Maltese. He says that a migrant should be open-minded wherever he goes and that this is related to personality, and adds, "It takes effort." He realised that he knew everyone in the small shop where he always went to drink beer, and he felt that he was very well-integrated.

Similarly, P22 (Serbian), who has been living in Malta for about 10 years, states that everything was new in the beginning, but now the Maltese are very helpful and nice people. He gets along well with people who have positions. "But we never use these kinds of things (for his interests)," he adds.

However, P22's observations on the relationship and communication between Maltese people are remarkable: "Maltese people help foreigners more than they help each other. I think they don't like each other." Then he talks about Southerners (Maltese). "Southern people are different. They don't speak English. Even young people from the South don't speak English sometimes."

P5 (Nepal)'s relatively new (eight months) migration experience is more work-oriented: "Maltese people are hard workers; they work constantly. It is not like this in my country. They support the government, and the government protects its people."

The findings obtained from the participants in this group completely coincide with the findings obtained from the observations. Migrants who are observed to be involved in local friend groups, rather than making one-on-one friendships with local people, say that they feel at home in Malta. With the local networks provided by local friend groups, they become involved in social communication processes faster and feel safer in Malta.

Neutrals

A small number of participants in this group (four individuals) have limited interaction with Maltese people, but they do not mention any negative aspects of their communication processes with them. One of these interviewees, P34 (Ukrainian), stated that her social circles consist of other migrants who are seeking to build a community on the island and want to have a sense of belonging. P34, who has limited communication with his Maltese neighbours and the local people at his son's school, stated that she has not made any Maltese friends even though she has been living in Malta for two years. P30 (Filipino), on the other hand, said that she did not feel the need to communicate with Maltese people other than those who came to the make-up studio where she worked as a make-up artist.

Findings from observations indicate that migrants who spend significant time with others from their own country or different countries and have specific goals, such as saving money, advancing their careers, or effective parenting, do not share their positive or negative experiences. Instead, these individuals focus primarily on their daily needs, life circumstances, and individual or family plans rather than establishing settled relationships with local people.

Discussion and conclusion

Communication studies play a vital role in the cultural and social exchange between migrants and the receiving society. This descriptive study aimed to explore how the social experiences of migrants in Malta influence their communication with the local community while also considering factors such as language, socioeconomic status, and ethnicity. This research involved semi-structured interviews with thirty-five participants and participant observations conducted by one of the study's researchers over a period of fifteen months. The observations took place in different settings, including public spaces like parks, cafes, farmers' markets, ethnic community events, national or local festivals, and social protests.

To gain a deep understanding of the communication process related to migrants, the researcher engaged with a diverse range of migrants through multiple visits to different regions of the island and involved discussions about their experiences in Malta. These interactions contributed to a better understanding of the interplay between micro-level processes, such as interpersonal communication and individual migration experiences, and macro-level processes, such as social, economic, and political processes.

The significance of communication on migration and social communication within the receiving society increased with the great demand for migration to Malta following its EU membership. During this period, the economic and social connections between migrants and local people also strengthened. In addition to sharing limited critical resources such as housing, employment opportunities, and access to health services on the island, social norms and cultural diversity have also significantly transformed. This shift has reshaped traditional social norms and the emergence of a new balance in living practices

among local people and migrants. These communication processes in Malta have gained more meaning through the social reflections of migration to the island.

The migrant population, which constitutes over a quarter of the total population, has two distinctly different communication processes with the receiving society: communication among migrants and between migrants and local people.

Communication between migrants and locals relates to various factors such as the workplace, social interactions, and individual experiences. The difficulties migrants encounter in communicating with locals, as identified in this study, also coincide with the research findings of Popova (2020). Popova identified that barriers to effective social communication often stem from ingrained prejudices and stereotypes, collective trauma, and socio-cultural differences between migrants and the receiving society. Similarly, this research shows that the discrimination faced by migrants in Malta manifests itself in both overt (such as lower wages, longer working hours) and covert forms (such as being ignored by neighbours or receiving unequal treatment in public services), and this seriously impedes communication with the local people. Furthermore, the tendency of migrants' ethnic communities to internalise negative stereotypes about the locals reinforces these communication barriers. The study, therefore, not only sheds light on general difficulties in migrants-locals communication, such as the language barriers, but also reveals how migrants perceive the discrimination and socio-economic inequalities they experience in the Maltese context as key obstacles to inclusive interactions.

As a result of these obstacles, combined with economic difficulties, socioeconomically disadvantaged migrants tend to socialise within a limited social circle comprising individuals with similar socioeconomic conditions in their ethnic communities. Communication and social interactions confined to such narrow circles lead to mutual marginalisation between local people and migrants in social and cultural contexts. The way migrants interact with the receiving society highlights the idea suggested by Aquino, Kathiravelu, and Mitchell (2022) that various forms of discrimination often coexist. This study demonstrates that a significant portion of non-EU migrants experience different types of discrimination, including ethnic discrimination, socioeconomic status discrimination, xenophobia, racism, and country-of-origin discrimination.

When discussing discrimination, the initial assumption is often that the local population exhibits a power imbalance toward migrants. However, discrimination also occurs among migrants themselves, especially based on socioeconomic status. Furthermore, positive and negative attitudes in intercultural relationships between the local population and ethnocultural groups in Malta show significant variations across cultural groups (Sammut & Lauri, 2017). Consequently, groups typically composed of non-EU-born migrants, refugees, or labourer migrants tend to limit their interactions not only with the local population but also with other migrants who display socioeconomic superiority.

This limited interaction, both between migrants and locals and among migrant groups themselves, may increase the importance of language skills in shaping social relationships. In this context, language proficiency becomes critical to accessing resources, establishing social networks, and participating in everyday life. Malta's bilingual status offers opportunities for migrants, particularly those who do not speak Maltese, which constitutes the vast majority of migrants, to conduct social and bureaucratic interactions in English. However, this circumstance can lead to the Maltese language being overlooked, particularly by migrants who do not plan to stay long-term or obtain citizenship. Cassar (2013) stated that language serves as a means of access for migrants, both to individuals and documents, with English functioning as the common language in migration processes in Malta. The widespread use of English by the local population and the fact that English proficiency is sufficient for completing migration procedures lead many migrants to perceive learning the Maltese language as unnecessary.

Nevertheless, this study has shown that speaking Maltese is essential for most migrants, but only if they aim to obtain permanent residence or Maltese citizenship. For non-EU citizens planning long-term settlement, proficiency in Maltese provides significant advantages, such as overcoming public and bureaucratic challenges more efficiently and building stronger connections with local people. This illustrates that bilingualism serves different purposes: English is essential for social communication, while proficiency in Maltese emphasises deeper communication and long-term planning in terms of social relationships.

Based on these communication dynamics, the study identified four distinct groups of migrants in terms of their communication approaches with the Maltese population: Hesitant migrants generally perceive the local population as narrow-minded and uneducated, which limits their communication. In contrast, selective migrants highlight cultural and social differences but maintain that they can interact with local people despite past negative experiences. Migrants with a positive outlook actively develop mutual support systems with residents. Meanwhile, neutral migrants minimise contact with the local population, instead forming networks with other migrants and focusing on their personal or professional goals.

These varying communication approaches reflect how varying individual experiences and social factors shape migrants' social interaction processes. For instance, hesitant migrants who avoid extensive contact with local people may be more vulnerable to forms of discrimination, such as ethnic discrimination or xenophobia, as their limited interactions limit mutual understanding. In this respect, the findings align with Grech and Cheng's (2010) study on migrant communication in Malta, which showed that some migrants feel excluded while others face minimal challenges in interacting with the local people.

Communication is essential in all social processes. This study revealed that migrants in Malta who face ethnic discrimination, negative stereotypes, and xenophobic content on social media often avoid communication with the local population. Also, low-income migrants in Malta tend to socialise primarily with their compatriots in accessible (free) public spaces such as parks, beaches, or within their apartments. This raises questions about how such limited social interactions align with the expectation for improved living conditions often associated with international migration. Furthermore, individuals who primarily socialise within ethnic community groups may experience weaker social connections and increased exclusion from the broader society.

The media, policymakers, or any other actors involved in communication on migration all play a role in determining locals' attitudes towards migrants. Bernadas et al. (2023) highlight the significance of community organisations and ethnic media as communication resources in improving the health of Filipino migrants working as household service workers in Hong Kong. While the accuracy and transparency of narratives about migrants and migration are crucial factors in shaping the attitude of the receiving society, the receiving society's perspective is equally important in shaping the communication approaches of migrants. Therefore, all attitudes towards migrants, whether they are supremacist, egalitarian, inclusive, or discriminatory, reveal communication processes in a relational manner with the socioeconomic and cultural aspects of migrants.

This study discussed how the communication processes between migrants and local people in Malta are influenced by the migrants' language skills, ethnic origins, and socioeconomic status. The term "migrant" was deliberately used as an inclusive descriptor, avoiding specific categorisations such as refugee, asylum seeker, or economic migrant. The research focused on understanding migrants' perspectives on communication processes, with its scope intentionally limited to their viewpoint.

This study has certain limitations. Firstly, only migrants were interviewed; therefore, the local people's perspectives were not directly addressed, and social communication processes were evaluated through the accounts of the migrants. Although observational data accompanied the interviews, this may limit the reflection of the interactions. Secondly, the study was limited to adult participants only and did not include the experiences of young migrants. In addition, since the study focused on migrants living daily in Malta, temporary groups such as short-term students or seasonal employees were excluded. Finally, the fact that the interviews were conducted in English may have led to some participants not being able to express their feelings and experiences fully or expressing them superficially.

Insights from this study can inform strategies to enhance interaction between migrants and local communities, involving collaboration with civil society, local governments, national institutions, and other stakeholders. Future research could investigate the key factors influencing local people's willingness to initiate and sustain communication with migrants, as well as their expectations from these communication processes. Future studies could also evaluate social communication processes more comprehensively in terms of inclusiveness and interaction, by collecting data from different actors such as migrants, local people, and civil society groups.

References

- Ahad, A., & Banulescu-Bogdan, N. (2019, January). Communicating strategically about immigrant integration: Policymaker perspectives. Migration Policy Institute.
<https://www.migrationpolicy.org/research/communicating-strategically-immigrant-integration>
- Aquino, K., Kathiravelu, L., & Mitchell, E. (2022). Locating race in migration and diversity studies. In P. Scholten (Ed.), *Introduction to migration studies*. IMISCOE Research Series. Springer.
https://doi.org/10.1007/978-3-030-92377-8_17
- Bernadas, J. M. A. C., Piocos, C. M., & Villog, R. B. T. (2023). Community organizations and ethnic media working with foreign household service workers: Applying communication infrastructure theory to migrant health. *Communication and the Public*, 8(3), 222-236.
<https://doi.org/10.1177/20570473231177791>
- Berry, J. W. (1997). Immigration, acculturation, and adaptation. *Applied Psychology: An International Review*, 46(1), 5–68. <https://doi.org/10.1111/j.1464-0597.1997.tb01087.x>
- Cassar, C. M. (2013, April). *Researching migration and asylum in Malta: A guide*. The People for Change Foundation. Retrieved from
https://www.pfcmalta.org/uploads/1/2/1/7/12174934/researching_migration_and_asylum_in_malta_-_a_guide.pdf
- Cassar, C. M., Gauci, J.-P., & Bacchi, A. (2016, August). *Migrants' use of social media in Malta*. People for Change Foundation. Retrieved from
https://www.pfcmalta.org/uploads/1/2/1/7/12174934/social_media_report_08-2016_-_final.pdf
- Castells, M. (2007). *Enformasyon çağı: Ekonomi, toplum ve kültür (Cilt 3: Binyılın sonu)* (E. Kılıç, Trans.). İstanbul Bilgi Üniversitesi.
- COMPAS – Centre on Migration, Policy and Society. (2012). *Attitudes to migrants, communication and local leadership (AMICALL)*. <https://www.compas.ox.ac.uk/project/attitudes-to-migrants-communication-and-local-leadership-amicall>
- Chambers, I. (2019). *Göç, kültür, kimlik* (3rd ed.). Ayrıntı.
- de Haas, H., Castles, S., & Miller, M. J. (2020). *The age of migration: International population movements in the modern world* (6th ed.). Red Globe Press.
- Depares, J., & Culley, L. (2022). Healthcare encounters between asylum seekers and health professionals in Maltese primary care. *Journal of Research in Nursing*, 27(3), 275–287.
<https://doi.org/10.1177/17449871221087514>
- Deutsch, K. W. (1966). *Nationalism and social communication: An inquiry into the foundations of nationality* (2nd ed.). The MIT Press.
- Dennison, J., & Dražanová, L. (2018). *Public attitudes on migration: Rethinking how people perceive migration*. Migration Policy Centre, European University Institute.
- Esser, H. (2006). *Migration, language, and integration*. AKI Research Review 4. Wissenschaftszentrum Berlin.
- European Commission. (2018). *Integration of immigrants in the European Union*, Special Eurobarometer 469.
- European Commission. (2024a, March 27). EU received 5.1 million immigrants in 2022. *Eurostat*.
<https://ec.europa.eu/eurostat/en/web/products-eurostat-news/w/ddn-20240327-1>
- European Commission. (2024b, June). *Governance of migrant integration in Malta*. European Website on Integration. https://migrant-integration.ec.europa.eu/country-governance/governance-migrant-integration-malta_en
- Grech, H., & Cheng, L. R. (2010). Communication in the migrant community in Malta. *Folia Phoniatrica et Logopaedica: Official Organ of the International Association of Logopedics and Phoniatrics (IALP)*, 62(5), 246–254. <https://doi.org/10.1159/000314788>
- ICMPD, UN-Habitat, & UCLG. (2019). *Communication on migration: An issue of local governance*. https://www.icmpd.org/file/download/59522/file/MC2CM_Thematic_Learning_Report_Communication_on_Migration_EN.pdf

- IOM – International Organization for Migration. (2023). *Irregular migration routes to Europe: West and Central Africa (January–December 2022)*. <https://dtm.iom.int/report-product-series/irregular-migration-routes-europe>
- Kraler, A., & Reichel, D. (2022). Migration statistics. In P. Scholten (Ed.), *Introduction to migration studies* (pp. 439–462). Springer. https://doi.org/10.1007/978-3-030-92377-8_27
- Mainwaring, C., & Stierl, M. (2025). Islands of solidarity? Migration and activism in Malta. *Geopolitics*, 1–26. <https://doi.org/10.1080/14650045.2025.2511206>
- McAdam, M., & Otto, L. (2022). Interests under construction: Views on migration from the European Union's southern external border. *Political Studies*, 70(2), 348–366. <https://doi.org/10.1177/0032321720966464>
- McAuliffe, M., Kitimbo, A., Dolling, J., & Abel, G. (2024). Migration and migrants: A global overview. In M. McAuliffe & L. A. Oucho (Eds.), *World migration report 2024* (pp. 19–55). International Organization for Migration (IOM).
- NSO-National Statistics Office. (2024, July 10). *World Population Day: 11 July 2024 (NR 124/2024)*. National Statistics Office. <https://nso.gov.mt/world-population-day-11-july-2024/>
- Popova, O. (2020). Factors of inefficiency of social communication of forced migrants in the host society. Visnyk of V. N. Karazin Kharkiv National University. Series "Sociological Studies of Contemporary Society: Methodology, Theory, Methods", 44, 43–49. <https://doi.org/10.26565/2227-6521-2020-44-05>
- Pries, L. (2022). Transnationalism. In P. Scholten (Ed.), *Introduction to migration studies: An interactive guide to the literatures on migration and diversity* (pp. 233–247). Springer. https://doi.org/10.1007/978-3-030-92377-8_15
- Sammut, G., & Lauri, M.A. (2017). Intercultural Relations in Malta. In J.W. Berry (Ed.), *Mutual Intercultural Relations* (pp. 231–248). Cambridge, UK: Cambridge University Press.
- Saygi, H. (2023). A linguistic ethnography of the sense of belonging: Iraqi Turkmen women refugees in Turkey. *Language & Communication*, 88, 14–26. <https://doi.org/10.1016/j.langcom.2022.10.002>
- Scholten, P., Pisarevskaya, A., Levy, N. (2022). An Introduction to Migration Studies: The Rise and Coming of Age of a Research Field. In P. Scholten (Ed.), *Introduction to migration studies*. IMISCOE Research Series. Springer, Cham. https://doi.org/10.1007/978-3-030-92377-8_1
- Schiavon, S., & Orsini, G. (2013, January 11–13). Becoming border: Dynamics and effects of the building of the European external border in a recently accessed EU member state: The Malta case study [Working paper]. COST Action IS0803, Relocating Borders: A Comparative Approach, Humboldt University, Berlin. Retrieved from <https://www.researchgate.net/publication/265896299>
- Triandafyllidou, A. (2022). Migration and the nation. In P. Scholten (Ed.), *Introduction to migration studies* (pp. 207–218). Springer. https://doi.org/10.1007/978-3-030-92377-8_13
- Wieviorka, M. (2014). A critique of integration. *Identities*, 21(6), 633–641. <https://doi.org/10.1080/1070289X.2013.828615>
- White, K. (2025). *Immigrant inclusion: A scoping literature review* (Master's graduate project, California State University, Northridge). In collaboration with D. Miyamoto. Retrieved from <https://scholarworks.calstate.edu/downloads/v118rp98f>
- Yıldırım, A., & Şimşek, H. (2011). *Sosyal bilimlerde nitel araştırma yöntemleri* (8. baskı). Seçkin Yayıncılık.



Judicial Protection in Immigration Detention: Challenges and Solutions in the Mediterranean Region of the European Union

Alexis Galand¹ 

^a Independent researcher and lawyer

Abstract

The European Court of Human Rights' judgement in *J.B. v. Malta* (no. 1766/23, 22 October 2024) highlights significant shortcomings in the review of immigration detention under Article 5 § 4 of the European Convention on Human Rights. The case exposed the systemic deficiencies of Malta's Immigration Appeals Board, including its lack of independence, procedural inefficiencies, and limited scope of review. These failings are emblematic of broader rule of law deficiencies, illustrating how systemic issues in governance and judicial structures deeply undermine the effectiveness of immigration detention oversight mechanisms. This issue is particularly pressing in the context of the growing normalisation of immigration detention, which is likely to be exacerbated by the EU Pact on Migration. This trend highlights the urgent need for robust oversight mechanisms, particularly in Mediterranean States located at the external borders of the EU, which are likely to increase their use of detention. Building on the analysis from the *J.B.* judgment, this Article seeks to assess the effectiveness of judicial protection mechanisms across Mediterranean states under both the ECHR and relevant EU law. By analysing structures, practices, and relevant jurisprudence, the Article seeks to identify models that best ensure the independence and efficiency necessary for meaningful and timely reviews of immigration detention, from the perspective of the entry into force of the EU Pact on Migration.

Keywords: effective judicial protection, rule of law, immigration detention, human rights, European Union law

Introduction

In *J.B. and others v. Malta* (2024), the European Court of Human Rights (ECtHR) called into question the overall effectiveness of the national judicial protection mechanism for detained asylum seekers. It found that the Immigration Appeals Board (IAB), the specialised tribunal which adjudicates most matters related to migration, could not be considered as a court in the sense of Article 5 § 4 of the European Convention on Human Rights (ECHR), in light of its lack of independence and the limited scope of the reviews it carries out on detention orders. Although the case did not deal with pre-removal detention, the conclusion reached in *J.B. v. Malta* is equally applicable to the ineffectiveness of IAB proceedings in relation to the removal of third-country nationals. Accordingly, it is the entire national judicial protection mechanism on immigration detention that became ineffective, since the Court reiterated its findings that *habeas corpus* and Constitutional redress proceedings were not effective (*Louled Massoud v. Malta*, 2010).

¹ For correspondence: agaland-lawyer@proton.me

In the context of the recent adoption of the EU Pact on Migration ("the Pact"), this case prompts a broader reflection on whether the current level of judicial protection afforded to migrants is sufficient to implement the ambitious policies it sponsors. The Pact streamlines the hotspot approach already seen in Greece and Italy and drastically broadens its scope (Guild & Apatzidou, 2024). As a result, a substantial number of asylum and return procedures will be carried out at the external borders of EU Member States, presumably in detention centres, with reduced procedural rights (Chetail & Ferolla Vallandro do Valle, 2024).

The Pact foresees the implementation of a broad range of coercive measures with restrictions of movement, alternatives to detention, and detention, further blurring the lines between detention and other so-called less coercive measures, leading to a likely increase of *de facto* detention (Cornelisse, 2022; Brandl, 2024). The latter is defined as an unlawful form of detention lacking any basis at law, generally resting on another type of measure, such as a restriction of movement, and usually carried out outside detention centres, at border premises, reception or registration centres (Bouvier, 2024). The applicant's situation in *A.D. v. Malta* (2023) provides an example of a restriction of movement allegedly based on health grounds that amounted to *de facto* detention, his living conditions being virtually unchanged after he was issued with a detention order.

Whilst the return procedure and pre-removal detention remain unchanged for the moment, the Pact foresees the implementation of a "*return border procedure*" which is more than likely to lead to the continuation of detention for rejected asylum seekers who were already detained during the asylum procedure (Brandl, 2024), although some have made a case that less coercive measures could be applied instead (ECRE, 2025). For the rest, fast and efficient returns remain the priority, and it is unlikely that Member States will decrease their use of pre-removal detention, considering the wide discretion they enjoy under the current legal framework (Basilien-Gainche, 2015; Mancano, 2019). In that regard, the EU's plan to outsource removal through "*return hubs*" located in third countries with "*stronger rules on detention*" recently unveiled by the Commission shows the general direction in which the current legislature is going (Liboreiro, 2025).

Against this background, national judicial authorities tasked with reviewing detention orders are likely to see their caseload increase, both in terms of numbers and complexity. The role of courts in maintaining a "*legality check*" (Cornelisse, 2022) on the executive will thus be crucial. While some consider that they naturally push for a more progressive stance than Governments, others have noted their moderation, anchored in domestic traditions of deference towards the administration's prerogatives in the field of migration (Dauvergne, 2021; Cornelisse, 2022).

Regardless, the premise on which the Pact is built is that those courts will be able to deal with this increased pressure in a manner that is compliant with the EU legal framework and fundamental rights. *J.B. v. Malta* severely contradicts this assumption and echoes the concerns expressed on the ongoing erosion of judicial protection for migrants observed in several EU Member States (Council of Europe Commissioner for Human Rights, 2024). This raises the question as to whether other Mediterranean States are in the same situation.

This Article takes the stance that the presumption established by the Pact that effective judicial protection will be available at national level is unfounded in light of the numerous shortcomings reported at the borders of the EU. In doing so, this Article seeks to assess and compare the effectiveness of national judicial protection mechanisms in the Mediterranean region and identify the relevant criteria that undermine or strengthen judicial protection at national level.

The analysis is based on the national chapters of the Asylum and Information Database (AIDA) published yearly by the European Council for Refugees on Exiles (ECRE) and drafted by professionals in the field, which provide the most comprehensive reports available in English. Whenever possible, relevant case law from the ECtHR and the Court of Justice of the European Union (CJEU), academic work, and reports from national or international organisations were used in order to obtain the most accurate picture. National legislation was consulted to clarify or confirm the information provided in these sources. The author acknowledges that some information gaps are likely to remain due to a lack of reporting or access to some sources and a relative lack of comprehensive comparative studies on the matter.

This article will start with a brief overview of the legal framework on immigration detention, which encompasses both the ECHR and EU law. An analysis of the judicial protection afforded to migrants across the Mediterranean region of the EU will follow, with an attempt to identify the relevant factors that undermine or strengthen judicial protection. Finally, a conclusion will summarize these findings, which are presented in a table in the annex.

The Legal Framework on Immigration Detention

National courts are faced with an increasingly complex legal framework that encompasses the minimum standards set by the ECtHR and the EU legal framework, which may provide for more favourable standards. In that case, domestic courts are bound to apply EU law and cannot limit themselves to an assessment solely relying on the ECHR. That said, the two legal frameworks are broadly similar, the EU legislature having codified settled ECtHR case law into its legal framework (Mancano, 2019).

In terms of the ECHR, Article 5§1 (f) regulates immigration detention, which may be ordered with the aim of preventing unauthorised entry or to deport a third-country national. The first limb of this provision allows for the detention of an asylum-seeker before the state's grant of authorisation to enter, while the second limb applies to rejected asylum seekers or unlawfully residing migrants issued with a deportation order. Article 5§2 provides that any person who has been arrested must be told, in simple, non-technical language that he can understand, the essential legal and factual grounds for his deprivation of liberty, so as to be able to apply to a court to challenge its lawfulness in accordance with Article 5 § 4, which provides for the right to an effective remedy (*Khlaifia and Others v. Italy* [GC], 2016). The EU legal framework on migration also makes a distinction between asylum seekers (asylum detention) and third-country nationals subjected to return procedures (pre-removal detention).

Asylum detention is regulated by Directive 2013/33/EU Laying down Standards for the Reception of Applicants for International Protection (the "2013 Reception Directive") and Regulation 604/2013/EU (the Dublin Regulation), which foresees detention pending the determination of the Member States responsible for the asylum procedure, better known as the "*Dublin procedure*". These instruments will be replaced by the Pact, which was adopted in June 2024 and will become applicable in June 2026. Directive 2024/1346/EU Laying down Standards for the Reception of Applicants for International Protection (the "2024 Reception Directive") will replace the 2013 Reception Directive and introduce a number of minor changes to the framework on detention, which will be further discussed below. This directive refers to several other instruments in the Pact allowing detention in specific circumstances, such as Regulation 2024/1349/EU (return border procedure), Regulation 2024/1351/EU (on Asylum and Migration Management, replacing the Dublin Regulation), and Regulation 2024/1356/EU (implementing a screening procedure of TCNs at the external borders).

Pre-removal detention remains regulated by Directive 2008/115/EC on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals (the "Return Directive"). The European Commission has recently published a proposal for a "Regulation establishing a common system for the return of third-country nationals staying illegally in the Union", commonly referred to as the "Return Regulation" which crystallises the idea of "return hubs", foresees the automatic recognition of return orders across the EU through a "European return order" in a manner reminiscent of the European arrest warrant, and extends the grounds and maximum duration of detention, through a system which appears strongly inspired by criminal law (ECRE, 2025).

These EU instruments must be interpreted and applied in the light of the EU Charter on Fundamental Rights, which provides for the right to liberty and security in its Article 6 and the right to an effective remedy in its Article 47.

Broadly speaking, the above constitutes the current and future legal framework on EU immigration detention. These instruments set the standards against which the effectiveness of a remedy must be tested. The following section will address this issue by providing an overview of judicial protection in immigration detention across the Mediterranean region.

Effectiveness of Immigration Detention Remedies in the Mediterranean Region

This section will examine the level of judicial protection in immigration detention in the Mediterranean States which are located at the external borders of the EU. EU Member States located in the Mediterranean region. It begins by addressing the concerns about the lack of independence of some immigration detention remedies in the region, then moves on to the issues of accessibility to those remedies, the insufficient scope of the reviews carried out in immigration detention proceedings, the lack of speediness of some of them, and finally, the need for an onward appeal.

Independence of Immigration Detention Remedies: the Dangers of Specialised Tribunals and Non-professional Judges

Contrary to what the Government of Malta contended in *J.B.*, one must not deduce from the wording used by the EU legal framework, which provides for the intervention of a “*judicial authority*”, that this authority must be construed as a court of lesser standards. In its judgement, the ECtHR recalled that while the “*court*” referred to by Article 5§4 ECHR does not have to be a court of law of the classical kind, integrated within the standard judicial machinery of the country, it must nevertheless be a body of “*judicial character*” which enjoys the same qualities of independence and impartiality as are required of the “*tribunal*” mentioned in Article 6 ECHR. From the perspective of EU law, the assumption made by the Maltese Government in *J.B.* was all the more unfounded as the “*judicial authority*” cannot be anything else than “*an independent and impartial tribunal previously established by law*” in the sense of Article 47 of the Charter (CJEU, *F.M.S. and others*, 2020).

Accordingly, the body in charge of adjudicating immigration detention must be as independent and impartial as any other national court, regardless of its name (Board, Tribunal, Court etc) and its place in the national judicial order.

To determine whether a tribunal is independent and impartial, both the CJEU and the ECtHR proceed in a similar fashion. They verify the manner of appointment of the body's members, the length of their term of office, the manner according to which they can be dismissed, the safeguards against external pressures and whether it presents an appearance of independence (see for instance ECtHR, *Guðmundur Andri Ástráðsson v. Iceland*, 2020; CJEU, *Graham J. Wilson v. Ordre des avocats du barreau de Luxembourg*, 2006).

The guidelines of the Commission for Democracy through Law of the Council of Europe (Venice Commission) provide a set of criteria that corresponds to those used by the two Courts. They provide, *inter alia*, that the manner of appointment of the judiciary should be done via a transparent and public procedure with a selection “*based on merit, having regard to qualifications, integrity, ability and efficiency of the candidates*”, with limited to no intervention of the executive in the procedure. Tenure until retirement, or at least long-term appointments with limited renewals, is preferred, and the manner and grounds for dismissal should be strictly limited. All judges should benefit from the principle of irremovability, meaning that they cannot be removed from their duties without cause. An adequate level of remuneration should be guaranteed by law, in conformity with the dignity of the office and the scope of the duties carried out. The allocation of funds to the judiciary should ensure judicial independence, and strict rules of incompatibility with other functions should be enforced (Venice Commission, 2010).

J.B. v. Malta serves as the benchmark case for these criteria in immigration detention proceedings, with the IAB failing the test to appear independent from the executive. The ECtHR underlined that the Board's members did not have to meet any predetermined selection criteria “*other than that the Chairman had to hold a law degree, another member had to be versed in immigration matters, and another person required no qualification whatsoever*”, concluding that the Minister had wide discretion in the choice of all members when advising the President on the appointments. It further considered that the principle of irremovability could not provide any protection in view of the shortness of their mandate, three-year renewable at will, and the wide discretion enjoyed by the Minister in the dismissal procedure. Additionally, it noted that the remuneration provided by each member's multiple appointments in other boards “*constituted a substantial financial interest*” which depended on the satisfaction of the executive (*J.B. v. Malta*, 2024).

In contrast, the independence and impartiality of the judges who sit on the International Protection Appeals Court (IPAC) of Cyprus, a specialised tribunal which adjudicates asylum detention appeals, does not appear to be called into question (Venice Commission, 2021), presumably because, contrary to Malta, they are professional members of the judiciary appointed by the President of the Republic following a deliberation of the judicial council (European Commission, 2020; European Commission, 2024). The same goes for the professional judges staffing the Greek Administrative Courts and the Spanish criminal judges, who are in charge of reviewing asylum and pre-removal detention, and the Italian Civil Courts, in charge of asylum detention, with no concerns being reported on the matter.

The Italian *giudice di pace*, which decides on pre-removal detention, provides an interesting in-between as they share similar features with the non-professional adjudicators of the Maltese IAB. They are honorary judges appointed for a renewable term of four years, whose remuneration used to be entirely conditional on the number of cases adjudicated and acts issued (Di Pascale, 2020; Asta, 2020). Some positive changes were introduced by the reform of the honorary judiciary, including a more stable remuneration and increased oversight from members of the professional judiciary (Guella, 2024), and, despite the doubts surrounding the precariousness of the magistrates' working conditions, the CJEU ruled that the *giudice di pace* satisfies the requirement of independence necessary to submit a request for preliminary ruling.

To reach this conclusion, the CJEU noted first that *giudice di pace* are appointed by the President of the Republic following deliberations from the Supreme Council of the Judiciary and the territorially competent judicial council. The relatively short term of their service, lasting four years, renewable once, was not seen as an issue in view of the irremovability they enjoy. The rules on dismissal were considered sufficiently determined by national legislative provisions, and overall, it was noted that the magistrates "*perform their duties wholly autonomously, subject to disciplinary rules, and without external pressure capable of influencing their decisions*" (*UX v. Governo della Repubblica italiana*, 2020).

While it is true that the complexity of EU immigration law may require the intervention of specialised judges, the *J.B.* judgement critically underscores the ECtHR's reluctance to accept a configuration in which the adjudication of immigration detention is entrusted to a specialised tribunal staffed solely by non-professional adjudicators.

There are several benefits attributed to specialised tribunals staffed with judges selected on the basis of their knowledge of immigration law. Firstly, they provide adequate settings to foster the emergence of a jurisprudence of quality, with a faster decision-making process, less time being dedicated to researching the legal framework and its interpretation (Legomsky, 2010). Secondly, they are considered more open to international law and thus more prone to engage in judicial dialogue with higher Courts, in particular the CJEU, as they have the necessary knowledge to grasp the complexity of these cases (Blisa & Kosař, 2020). Thirdly, they may also be cheaper to set up and may benefit from more flexible and accessible rules of procedure, while also relieving the ordinary courts of a sizable caseload (Legomsky, 2010; Di Pascale, 2020). These considerations have motivated, at least partly, the creation of specialised courts in Cyprus (the International Protection Appeals Court), Malta (the Immigration Appeals Board and the International Protection Appeals Tribunal), and the specialised sections of Civil Courts in Italy.

However, as seen in *J.B. v. Malta*, a tribunal that concentrates all or most immigration cases in its hands is arguably more exposed to external pressures, as the executive may want to control the direction in which the case law goes in a manner that suits its policies (Legomsky, 2010; Saas, 2014). Consequently, strong safeguards ensuring the independence and impartiality of the judges staffing the specialised tribunal are required. Immigration detention should therefore be reviewed by professional judges who benefit from the same guarantees as those staffing the ordinary courts, in particular life tenure, adequate and stable remuneration, and irremovability, independently of the nature of the court in which they sit, be it ordinary courts of the judiciary or specialised tribunals.

Accessibility of Immigration Detention Remedies: The Need to Mitigate Information Provision Gaps

As per set case law, the tribunal must be accessible in theory and in practice, which means first and foremost that detainees must be informed of the reasons for their deprivation of liberty, the available remedies and the possibility to seek the assistance of a lawyer, in a language that they understand (*Khlaifia and Others v. Italy* [GC], 2016; *A.D. v. Malta*, 2023). EU law expressly provides for such rights in relation to both asylum and pre-removal detention in the relevant Directives.

Despite being preferable in terms of accessibility, very few Member States have opted for a configuration where the courts are in charge of issuing detention orders, with only Spain having adopted such a configuration in the Mediterranean region (Accem & ECRE, 2025). This system is generally seen as providing stronger guarantees against arbitrariness, since it presumably empowers an independent and impartial judge with extensive legal expertise – compared to an administrative authority – to issue the detention order (Thym, 2023). It must be noted that, although Spanish law provides only for pre-removal detention, newly arrived migrants are routinely issued with a removal order and detained before they can apply for asylum from detention (Accem and ECRE, 2025; Amnesty International, 2024).

Consequently, in most States, the courts will typically intervene a few days after the administrative authority has issued a detention order and taken the person concerned into custody. Following such, EU Member States may decide to implement mandatory automatic reviews of detention, also known as *ex officio* reviews, or opt for a more classic approach, which consists of granting a right to file an application challenging the detention order before the competent tribunal.

Asylum seekers generally benefit from fairer standards than third-country nationals facing removal (Basilien Gainche, 2015; Tsourdi & De Bruycker, 2022). They have access to *ex officio* reviews, eventually coupled with the possibility to file an application before a Court. Third-country nationals facing removal, on the other hand, must generally challenge the initial detention order themselves or wait for the automatic review provided for by EU law, which generally happens several months later.

Amongst Mediterranean Member States, Cyprus is the only one that does not provide for an *ex officio* review of the initial detention order in all circumstances (Demetriou & Trimikliniotis, 2020; Cyprus Refugee Council & ECRE, 2024).

Greece and Malta provide for both review mechanisms to asylum seekers (GCR & ECRE, 2024; aditus foundation & ECRE, 2024). Third-country nationals issued with a removal order in these countries must file an application or wait until the first mandatory *ex officio* review of their detention order happens, at three months in Greece and six months in Malta (Papapanagiotou-Leza & Kofinis, 2020 ; aditus foundation & ECRE, 2024).

Finally, Italian law requires the intervention of a judge within 48 hours to validate the detention order and foresees further *ex officio* reviews at later stages (Di Pascale, 2020; ASGI & ECRE, 2025). This configuration is arguably very close to the Spanish one, as the judge's intervention is nearly concomitant to the issuing of the detention order.

A notable specificity of Malta and Cyprus is the possibility to file a *writ of habeas corpus* before the ordinary courts. This procedure, inherited from the English Common Law, is not specific to immigration detention but may be used in this context for both asylum and pre-removal detention (aditus foundation & ECRE, 2025; Cyprus Refugee Council & ECRE, 2025).

In the absence of automatic reviews, access to the judge becomes contingent on detainees' ability to obtain sufficient information on their rights and seek legal assistance (Wilsher, 2011; Basilién-Gainche, 2015). This is confirmed by the longstanding issues of access to the reviews on application in Greece, Cyprus, and Malta.

As such, the lack of adequate information provided to detainees renders the Greek "*objections against detention*" mostly inaccessible despite the relative success of the procedure, with only 20% of the detention orders issued by the Hellenic police challenged before the courts in 2023 and the first half of 2024 (Refugee Support Aegean, 2024; GCR & ECRE, 2025). Regarding Malta, the ECtHR noted that the *habeas corpus* procedure before the Court of Magistrates was, in theory, an effective remedy against some forms of detention but considered it mostly inaccessible in practice, due to the lack of information provided to applicants on the availability of this remedy (*A.D. v. Malta*, 2023; *J.B. v. Malta*, 2024).

Similarly, the Court expressed concerns over the accessibility to Constitutional redress proceedings, considering this remedy to be “*particularly cumbersome*” (*Louled Massoud v. Malta*, 2010). The lack of access to the Cypriot Courts is also reported to be a consequence of the inadequate information provided to detainees on available remedies (Cyprus Refugee Council & ECRE, 2024). Finally, information provision gaps were reported in Spain, but this appears to be limited to the asylum procedure itself (Accem and ECRE, 2025).

Consequently, when the courts do not issue the detention order themselves, automatic reviews appear preferable in terms of accessibility, as they fill information gaps and ensure that all detainees have access to a judge. This appears to be the logic that guided the EU legislature in introducing a mandatory *ex officio* review for unaccompanied minors in the new Reception Directive. However, it will be seen that *ex officio* reviews are not as effective as reviews on application, despite being more accessible.

The Scope of the Review Required: Deference, Indifference, and lack of specialised knowledge

The national tribunal must first and foremost verify that the deprivation of liberty is based on a clear, predictable, and accessible legal basis and that detention is ordered in accordance with the procedural and substantive conditions provided for by the law (ECtHR, *Khlaifia and Others v. Italy* [GC], 2016).

This issue is of particular relevance in the context of the current trend in migration governance to implicitly blur the lines between detention and other coercive measures, such as restrictions of movement and alternatives to detention (Cornelisse, 2022). The difficulty in differentiating between these measures, which entail similar obligations and may be carried out in the same facilities, irremediably leads to situations that amount to *de facto* detention (Brandl, 2024).

As observed by the Court in this case and *J.B. v. Malta* (2024), the national detention regime under health grounds exists “*in a legal vacuum*,” and *habeas corpus* proceedings, despite being considered effective against *de facto* detention, are generally inaccessible to detainees due to a lack of information. In contrast, while it was reported that the Cypriot Administrative Courts do not always address issues related to *de facto* detention, such as the lack of detention orders, the *habeas corpus* proceedings before the Supreme Court appear to adequately mitigate this (Cyprus Refugee Council & ECRE, 2025). Finally, reported shortcomings in Greece also include the failure to assess whether the detention order was delivered in a language the detainee understands and recurrent failures to quash detention orders issued on grounds not set out in national law (GCR & ECRE, 2025). Consequently, in these three countries, *de facto* detention appears to be recurrent, and the immigration detention judges do not seem to be able or willing to adequately deal with this issue.

Furthermore, under the ECHR, the tribunal must verify that immigration detention is carried out in good faith; that it is closely connected to the grounds relied on by the authorities, i.e. preventing unauthorised entry or allowing deportation; that the place and conditions of detention are appropriate; and that the length of the detention does not exceed that reasonably required for the purpose pursued (*J.B. v. Malta*, 2024). These guarantees are similar in EU law; the grounds for asylum detention are exhaustively enumerated by the Reception Directive, and the authorities have the duty to carry out the necessary administrative procedures with due diligence to ensure that detention is as short as possible. The Return Directive provides that pre-removal detention must be as short as possible and only maintained as long as removal arrangements are in progress and executed with due diligence, provided there is a reasonable prospect for the detainee’s removal.

As recalled in *J.B.*, good faith is seriously called into question when national authorities fail to accomplish the administrative procedures relevant to the grounds for detention with due diligence, six months being far too long to determine the age of the applicants. *J.B.* also reminds national courts that detention conditions fall within the scope of their review and may lead to the conclusion that detention is unlawful if said conditions amount to inhuman or degrading treatment, this being especially true for unaccompanied minors. As such, detention conditions do not appear to be adequately considered in

several countries, including Malta (aditus foundation and ECRE, 2024), Greece (GCR & ECRE, 2024), and Cyprus (Cyprus Refugee Council & ECRE, 2024).

It must be noted that the ECtHR generally does not require immigration detention to be necessary (Mancano, 2019; Cornelisse, 2022, whereas EU law precludes the placement in detention "*without the necessity and proportionality of that measure having first been examined*" and imposes alternatives to detention whenever they are sufficient (CJEU, *F.M.S. and others*, 2020). The practice of the Maltese IAB regarding pre-removal detention shows a systemic and critical failure to carry out any assessment of the necessity for detention, which will be enforced automatically upon the delivery of a removal order, release exclusively happening in the rare occasions where the removal order is quashed (aditus foundation & ECRE, 2025).

In that regard, an interesting addition of the Pact is the requirement for the detention order issued to an asylum seeker to state why less coercive alternative measures cannot be applied effectively. This confirms that the control exercised by the judicial authority goes beyond the verification of the existence of a formal motivation for less coercive measures and extends to the existence and availability of those measures, as well as the assessment of their effectiveness in the specific case of the applicant (ECRE, 2024).

Beyond the Maltese IAB, the scope of the review carried out is deemed insufficient in most of the Mediterranean States. The Greek and Cypriot Administrative Courts, including the Cypriot International Protection Appeals Court, tend to automatically confirm detention orders and limit themselves to a review of manifest factual errors (Demetriou & Trimikliniotis, 2020; Papapanagiotou-Leza & Kofinis, 2020; Moraru, 2020; GCR and ECRE, 2025; Cyprus Refugee Council and ECRE, 2025).

In Italy, *ex officio* reviews carried out by the *giudice di pace* in the context of pre-removal detention are heavily criticised and monitored by independent experts (International Commission of Jurists, 2014; Asta, 2020). The "*Observatory on the judicial review on migrants' rights*" reported that, in the year 2022, the *giudice di pace* in Torino confirmed 92% of the detention orders issued by the *questura* with limited to no apparent reasoning (Di Luciano et al., 2024; ASGI, 2024).

In Spain, an empirical study showed that, due to their lack of understanding of the legal framework, criminal judges tend to follow the administration's submissions and to fall back on what they know best, i.e., the existence of past criminal behaviours, which should not be the focus of the review (Vallbe et al., 2019; Rotaecche, 2020). A more recent report by Amnesty International confirms this trend, noting that detention of individuals found in an irregular situation is almost automatic (Amnesty International, 2024).

Finally, while *habeas corpus* proceedings in Malta and Cyprus have sometimes led to positive outcomes, the review carried out in the context of these proceedings remains limited to *de facto* detention, the ECtHR having found that these proceedings do not "*provide a review of the 'lawfulness' of detention in the light not only of the requirements of domestic law but also of the Convention*" (Louled Massoud, 2010). Accordingly, the Court is willing to accept the effectiveness of this remedy only in cases of *de facto* detention, only if the remedy is accessible (*J.B. v. Malta*, 2024).

These shortcomings may be explained by several interconnected factors, such as the deference shown by the Courts towards the administration, the lack of independence or qualification of judges, and the automaticity of *ex officio* review mechanisms.

Some have underlined that Administrative Courts, such as in Cyprus and Greece, traditionally show greater deference to the administrative authorities than other judges and may affect their willingness to carry out an in-depth assessment of the lawfulness of the detention order (Pouly, 2014; Cornelisse, 2022). That said, criminal judges may also be reluctant to encroach on the principle of separation of powers between the administrative order and the judicial order and thus engage in a meaningful review (Sarolea, 2020).

Furthermore, lack of independence also negatively impacts the scope of the review undertaken, as is the case for the Italian *giudice di pace* and the Maltese IAB. Lack of qualification in asylum and immigration matters appears to impact all remedies under review, to the exception perhaps of the Italian Civil Courts, in their role as the asylum detention judge. These Courts feature a specialised section on immigration staffed by professional judges who seem to possess the necessary training and expertise. Their resistance to the implementation of the Italy-Albania deal suggests that these judges have the

necessary independence and qualifications to adjudicate these complex matters (De Leo, 2024; De Leo & Celoria, 2025). However, most of their jurisdiction over asylum detention was recently transferred to the non-specialised judges of the Court of Appeal, leaving only residual competence for specific cases to first instance courts. Concerns were expressed over the accessibility and effectiveness of the new system due to geographical constraints, linked to the reduced number of competent court and their location, and the appeal judges' lack of specialised knowledge. This shift was reported to be an attempt at circumventing the ongoing conflict between the specialised sections and the government over the Italy-Albania agreement (ASGI, 2025).

Finally, the automaticity of *ex officio* reviews arguably puts further structural and financial strains on the Courts, which may not be provided with adequate resources to adjudicate these cases in a timely manner and maintain the quality of their decisions. This may lead to exhaustion and disinterest amongst judges and influence their involvement in upholding detainee's rights, leading to what is referred as "*le juge coup de tampon*" ("*the rubberstamping judge*") (Pouly, 2014), a judge who mechanically confirms detention orders in copy-pasted decisions of poor quality, providing the administrative authority with the necessary legitimacy to pursue its policies.

Likewise, while the right to liberty requires courts to approach each case with a presumption in favour of release, thus putting the burden of proof on the administration to demonstrate the legality of the measure (Wilsher, 2011), the striking differences between the effectiveness of *ex-officio* reviews and reviews on application observed in several Member States seem to suggest that the automaticity of those reviews shifts the burden of proof onto the detainee, whereas the proactive stance shown by the applicants in proceedings they launch themselves appears to reinforce the presumption that detention is unlawful in the mind of the judge.

For instance, in Greece, only 0.5% of the 24,174 detention orders issued in 2023 were quashed in *ex officio* reviews, while the approval rate of applications challenging the detention order by way of "*objections against detention*" before the same Courts stood at 45.6% (Refugee Support Aegean, 2024). Similar numbers were reported for the first half of 2024 (Refugee Support Aegean, 2024). Numbers provided by the Administrative Courts for 2023 show that 4926 *ex officio* reviews of detention orders issued to asylum seekers were carried out, of which 4701 were validated. Commentators highlighted the poor quality of the decisions issued, the lack of reasoning, and of proper assessment in light of EU law and ECHR standards (GCR & ECRE, 2024). The ECtHR confirmed this trend in several decisions (Committee of Ministers of the Council of Europe, 2020).

This could also be confirmed in the Maltese context, where the ECtHR found that *ex officio* reviews carried out by the IAB were insufficient and poorly motivated (*A.D. v. Malta*, 2023; *J.B. v. Malta*, 2024; aditus foundation & ECRE, 2024). In contrast, the Court of Magistrates deciding on *habeas corpus* proceedings has a decent record of well-reasoned decisions concluding to the unlawful *de facto* detention of asylum seekers on health grounds, the issue for this remedy remaining its accessibility (Camilleri, 2019; *A.D. v. Malta*, 2023). However, it must be noted that the IAB is not considered to be particularly more effective on application (aditus foundation & ECRE, 2024).

The Italian context provides a more balanced picture, with the *ex officio* reviews of pre-removal detention carried out by the *giudice di pace* being generally considered insufficient compared to the *ex officio* reviews of asylum detention carried out by the Italian Civil Courts (Asta, 2020; Di Luciano et al., 2024; ASGI, 2024; De Leo & Celoria, 2025). While some concerns were expressed regarding the quality of asylum detention reviews due to the recent transfer of competence to the non-specialised judges of the Court of Appeal (ASGI, 2025), the practice observed so far seems to indicate that this may not be the case (ASGI and ECRE, 2025; Maciocchi, 2025).

As such, while it was found that *ex officio* reviews are preferable in terms of accessibility, they do not appear as efficient as reviews carried out on application. The argument that *ex officio* reviews mitigate the lack of access to information is valid, but so are the concerns expressed regarding the "*rubber-stamping judge*". Both systems are thus complementary and may be able to balance each other; *ex officio* reviews mitigate the potential deficit in information provision, while reviews on application may mitigate the automaticity of *ex officio* reviews.

To conclude, it appears that none of the remedies discussed above are consistent in providing thorough and well-reasoned reviews that are sufficient in scope. The reasons for such are numerous and interconnected: lack of resources and exhaustion, indifference, ignorance of the legal framework due to a lack of qualification, deference and dependence towards the authorities, criminal law bias, and automaticity.

Speediness of Immigration Detention Remedies: The Need for Stronger Safeguards

Both the ECHR and EU law provide for a speedy judicial review of detention. The opportunity for legal review must therefore be provided soon after the person is taken into detention and thereafter at reasonable intervals if necessary. As recalled in *J.B. v. Malta* (2024), “*the rationale underlying the requirements of speediness and periodic judicial review at reasonable intervals within the meaning of Article 5 § 4 and the Court’s case-law is that a detainee should not run the risk of remaining in detention long after the time when his deprivation of liberty has become unjustified*”. In this case, the Court confirmed that the Convention is breached when the automatic reviews provided for by law did not take place and when the applications for a review remain unanswered.

EU law specifically foresees the need for further reviews to be carried out at reasonable intervals of time, automatically or upon the request of the detainee. However, the Return Directive provides for the mandatory and regular intervention of a “*judicial authority*” in cases of prolonged detention only, usually from six months onwards. Additionally, the Pact, which concerns only asylum seekers, foresees that the detention of unaccompanied minors must be regularly and automatically reviewed (Peers, 2024), this addition being a small concession to those who advocated against detention for minors.

At the outset, it is clear that the speediness of the proceedings remains heavily contingent on the adequacy of the resources allocated to the courts in order to carry out their mission. For instance, in 2021, the Spanish Ombudsman reported delays in the delivery of detention orders on the Island of Gran Canaria due to the lack of resources allocated to the competent court, which functioned at that time only eight days every three weeks and was staffed with only three magistrates (Defensor del Pueblo, 2021).

The nature of the tribunal chosen to carry out the reviews of the detention order may also impact the speediness of the proceedings. In that regard, criminal courts may be more capable of dealing with immigration cases within a reasonable timeframe due to their structural organisation, which arguably caters to the need to determine such cases speedily (Blisa and Kosař, 2020). As such, the speediness of the *habeas corpus* proceedings before the Criminal Courts in Malta, when accessible, may be seen as an example, the detainee being brought before the Court on the same day of the application (aditus foundation & ECRE, 2025). However, it should be underlined that the choice to grant competence to the criminal judge for immigration detention is not trivial considering the current trend of criminalization of migration, or “*crimmigration*”, i.e. the attempts to control immigration through criminal law (Gatta et al., 2022), as a configuration where criminal judges adjudicate immigration detention further “*blurs the lines*” between migration and crime and contributes to the idea that migrants are a threat to society (Sarolea, 2020). As such, the recent proposal for a Returns Regulation is extremely reminiscent of European instruments on criminal law, the parallel between European Arrest Warrants and the foreseen “*European Return Order*” being obvious.

In contrast, civil and administrative courts may not be adequately structured to adjudicate immigration detention appeals in a speedy manner (Bornemann & Dörig, 2020). Those concerns are echoed by the ECtHR with regard to the Greek and Cypriot context. In Greece, the Court found that the geographical distribution of Administrative Courts on the hot spots restricted access to a speedy review of detention (*Kaak and others v. Greece*, 2019), while it consistently found immigration detention proceedings in Cyprus to lack speediness, proceedings lasting weeks, if not months (*M.A. v. Cyprus*, 2013; *K.A. v. Cyprus*, 2024; *B.A v. Cyprus*, 2024). The same can be said of the Maltese Constitutional proceedings, which must first be brought before the Civil Court (First Hall), with the possibility of filing an onward appeal to the Constitutional Court. The ECtHR has consistently held that this remedy is ineffective for individuals deprived of their liberty due to the lack of speediness of the proceedings, which generally

last several years with the appeal to the Constitutional Court (*Louled Massoud v. Malta*, 2010; *A.D. v. Malta*, 2023).

To conclude, the worrying lack of speediness observed for several key remedies in Greece, Malta, and Cyprus appears to be linked to structural issues, as the Courts are ill-equipped to deal with immigration detention. These issues are likely to be exacerbated by the increase in detention fostered by the Pact and require immediate intervention. Fortunately, the Pact foresees that failure to decide within a maximum of 21 days after the launch of the asylum detention proceedings automatically leads to the release of the detainee. This opens a new litigation venue in Cyprus and Malta, as individuals still deprived of their liberty after this period would arguably be *de facto* detained, thus allowing the *habeas corpus* judges to efficiently intervene.

The right for an onward appeal: A required oversight

At the outset, it must be noted that neither the CJEU nor the ECtHR compel States to provide for a second degree of appeal against a detention order (ECtHR, *Toth v. Austria*, 1991; CJEU, *Samba Diouf*, 2011). EU Member States like Malta and Greece have certainly made good use of this possibility, in a clear attempt to curtail oversight, cut costs, and reduce caseload (Camilleri, 2019; Papapanagiotou-Leza & Kofinis, 2020).

Nevertheless, providing for further judicial oversight of the first instance decision is a crucial guarantee against arbitrariness. Whilst it is true that it increases costs and caseload, it provides a much-needed oversight on the mistakes of first instance Courts and contributes to the coherence of case-law at national level (Legomsky, 2010).

Crucially, the lack of appeal procedures and the impossibility of public access to judicial decisions on immigration detention in Malta and Greece have contributed to the emergence of an incoherent and sub-standard case law, while also sparking concerns over the transparency of the decision-making process of the judicial authorities (Camilleri, 2019; Angeli, 2020). The impressive body of case law from the ECtHR on the matter for both countries provides ample evidence of this system's shortcomings (aditus foundation and ECRE, 2024; GCR & ECRE, 2024).

Two types of judicial oversight can be implemented: an appeal on both points of fact and law, or a review on points of law only (cassation). The cassation procedure suffers from several shortcomings from the perspective of the applicant. Firstly, it is limited to legal considerations and therefore does not entail a review of the merits. Secondly, it is a burdensome procedure which may lack speediness and accessibility with strict admissibility requirements, a limited number of lawyers being qualified to litigate before the cassation court, and increased costs for applicants (Di Pascale, 2020; Sarolea, 2020).

In Italy, the Supreme Court of Cassation provides a judicial oversight on points of law only. The Court's efforts in harmonising the case law, in particular on the motivation of judicial decisions, have contributed to limiting the erosion of detainees' rights. However, this is deemed insufficient in view of the difficulties in accessing this procedure (Di Pascale, 2020) and the continuing issue of the poor quality of the decisions issued by giudice di pace on pre-removal detention (ASGI, 2024; Di Luciano et al., 2024). Furthermore, recent amendments to the law severely restrict the grounds on which cassation may be sought for asylum detention (ASGI, 2025).

In Cyprus, an onward appeal from the Administrative Court and the International Protection Appeals Court is available to the Court of Appeal, but is reported to be limited to points of law, as well as suffering from accessibility issues due to the lack of information provided to detainees (Cyprus Refugee Council and ECRE, 2025).

In Malta, the decisions issued by the IAB cannot be appealed, although Constitutional redress proceedings are in theory able to quash the decision issued by the Board and order release following an assessment of both points of facts and law, the issue being that, in practice, this remedy is inaccessible and lacks the required speediness (aditus foundation and ECRE, 2024; *J.B. v. Malta*, 2024).

Spain provides for the most protective system among the countries examined, with an onward appeal on both points of fact and law to the High Court (Tribunal Superior de Justicia) and the possibility to file

an application before the Constitutional Court for a breach of fundamental rights (*recurso de amparo*), with no reported issues of accessibility to higher Courts (Accem and ECRE, 2025).

An appeal on both points of fact and law, rather than only a cassation procedure, is therefore preferable as it provides for the most guarantees against arbitrariness. It empowers the reviewing Court to assess all relevant factual and legal considerations of the case and to substitute its own assessment for that of the first-instance court.

Considering the shortcomings identified in previous sections, an onward appeal to a Court of generalised jurisdiction, rather than an immigration court, is highly needed to harmonise case law and provide oversight over immigration detention judges. In their role as appeal judges, non-specialised courts are seen as more impartial to immigration matters and benefiting from an increased authority compared to immigration judges, leading to positive solutions which would not have been envisaged otherwise (Legomsky, 2010). For these reasons, many underscore the importance of judicial oversight by generalist courts as it strengthens the guarantees against arbitrariness by allowing further scrutiny on the executive (Legomsky, 2010; Blisa & Kosař, 2020).

Conclusion

In their analysis of judicial protection in the context of pre-removal detention, Blisa and Kosař identified five factors that, in their opinion, contribute to strengthening pre-removal detention control by the judiciary.

"(1) early review of lawfulness of detention; (2) the need to increase expertise of detention judges; (3) the availability of appeal against the judicial decision on third-country national detention; (4) automatic and periodic review of detention; and (5) quality legal representation for third-country nationals, including legal aid and good interpreters."

They argue that while these criteria may limit the "*détention roulette*," there is ultimately no ideal and uniform model which could be implemented across the EU, in view of the institutional diversity presented by each Member State. They thus warn that an attempt to transplant a model from one country to another might yield completely different results. They conclude that most of the efforts should be focused on providing training to judges in the hope that this would have a "*ripple effect*" in keeping the administration in check through informed decision-making and increased judicial dialogue with higher Courts (Blisa & Kosař, 2020).

Legomsky identifies similar criteria in his attempt to restructure immigration adjudication in the U.S. Those are accuracy, efficiency, acceptability, and consistency. Accuracy refers to the quality of the decisions issued, the "*ultimate results that the evidence and the relevant law reasonably support*". Efficiency refers to the efficient use of resources to ensure the speedy adjudication of cases. Acceptability encompasses the confidence in the integrity and efficiency of the process by both the parties and the public and thus equates to ensuring that the judicial authority can reach its decision in complete independence and impartiality, and in a transparent manner. Finally, consistency refers to the harmonisation of case law, which fosters confidence in the judicial process and predictability for the applicants.

Commenting on the issues which plague the U.S. system, he identifies four "*prime suspects*" which negatively impact judicial protection; "*extreme underresourcing (...) with exceptionally high ratios of caseloads to adjudicators*"; "*procedural shortcuts*" such as limitations of judicial oversight; "*politicization (...) through a combination of partisan and ideological hiring practices (...) continuing threats to adjudicators' job security (...) and the general supervision of adjudicators and control of their resources by enforcement officials*"; "*adjudicators who are not well suited to the job*" (Legomsky, 2010).

The relevance of those factors is far from being relative in the European context. The under-resourcing and the high caseload of courts are equally relevant and shared across all Mediterranean States. The will to limit judicial oversight of first instance decisions shown by several of those States constitutes procedural shortcuts which decrease the overall protection afforded to detainees. The politicisation of the Maltese IAB and the lack of independence attributed to the *giudice di pace* show that the European judge is not sheltered from those concerns either.

In terms of independence, the Maltese example should be avoided, as it does not comply with EU law and the ECHR. Accordingly, EU Member States should refrain from creating specialised tribunals outside the court system or staffing their courts entirely with non-professional adjudicators. The most adequate configuration may be the creation of specialised sections within the courts, following the example of the Italian Civil Courts (prior to the recent amendments restricting their competence on asylum detention). In the case of Malta, it is urgent to create a proper judiciary of the administrative order in a manner similar to that of the Cypriot system. This can be achieved in the same manner as the Cypriots did, merging preexisting specialised boards into specialised chambers of an Administrative Court and restaffing this Court with professional judges enjoying the same guarantees of independence as their counterparts in the ordinary Courts.

While Blisa and Kosař rightfully insist on the need to implement *ex officio* reviews of detention in order to ensure access to the Courts and mitigate information gaps, this system appears insufficient on its own, and there should always be the possibility to challenge the legality of the detention on application.

National law should clearly frame the scope of the reviews required, including an assessment of whether the detention complained of amounts to *de facto* detention, whether the measure is strictly necessary, and whether conditions of detention are adequate. Training should be routinely provided on the relevant criteria for asylum and pre-removal detention, and higher courts should ensure harmonisation and compliance with applicable standards.

National law should foresee clear deadlines within which the case must be decided in both asylum and pre-removal detention, leading to the automatic release of the detainee when this deadline expires. In countries where *habeas corpus* proceedings are available, the judges should exercise their full jurisdiction and order immediate release in cases where, despite the expiry of the deadline, the person is still detained.

In countries where an onward appeal is impossible, one should be created, thus allowing a higher court of generalised jurisdiction to scrutinise the decision of the first instance judge. The review carried out on appeal should preferably encompass both points of fact and law; cassation proceedings are too burdensome and limited in their scope to provide adequate relief in detention proceedings. In the case of Malta, remedying the lack of speediness of Constitutional redress proceedings may finally allow an apex Court to harmonise case law and provide oversight over the current unregulated practice of the IAB.

This Article has attempted to provide an analysis of the current gaps in the judicial protection systems in Mediterranean States located at the external borders of the EU, which are expected to increase their use of immigration detention with the forthcoming Pact on asylum and migration and the proposal for a Return Regulation currently under negotiations. It confirms that judicial protection against arbitrary detention in these countries is generally deficient, thus rebutting the presumption that national courts will be able to deal with the increased pressure brought about by these reforms. Setting aside the caricatural example provided by Malta, the deficiencies observed are generally a consequence of a lack of training and resources afforded to the judiciary, which, coupled with exhaustion, repetitiveness, and a tense political environment, lead to an erosion of the quality of the protection they are able to afford. It is clear that Member States that pursue harmful policies are the first ones to benefit from an overwhelmed judiciary that is incapable of keeping in check their increasingly powerful administrations.

In light of this, this article built on previous research and attempted to provide an accurate picture of the shortcomings observed in those Member States, while trying to identify the relevant factors that may reinforce judicial protection in both asylum and pre-removal detention. The Pact may provide an occasion to reassess current remedies in those procedures and bring them in line with EU and ECHR standards. This is required if the ambitious policies it sponsors are to succeed with minimal cost to human suffering.

References

Legal Acts

Charter of Fundamental Rights of the European Union (2009). http://data.europa.eu/eli/treaty/char_2016/art_47/oj/eng

Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 Establishing a Common Procedure for International Protection in the Union and Repealing Directive 2013/32/EU (2024). <https://eur-lex.europa.eu/eli/reg/2024/1348/oj/eng>

Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 Establishing a Return Border Procedure, and Amending Regulation (EU) 2021/1148 (2024). <http://data.europa.eu/eli/reg/2024/1349/oj/eng>

Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on Asylum and Migration Management, Amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and Repealing Regulation (EU) No 604/2013 (2024). <http://data.europa.eu/eli/reg/2024/1351/oj/eng>

Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 Introducing the Screening of Third-Country Nationals at the External Borders and Amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (2024). <http://data.europa.eu/eli/reg/2024/1356/oj/eng>

Regulation (EU) 604/2013 of the European Parliament and of the Council of 26 June 2013 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a Stateless Person (2013). <http://data.europa.eu/eli/reg/2013/604/oj/eng>

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals (2008). <http://data.europa.eu/eli/dir/2008/115/oj/eng>

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 Laying down Standards for the Reception of Applicants for International Protection (Recast) (2013). <http://data.europa.eu/eli/dir/2013/33/oj/eng>

Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 Laying down Standards for the Reception of Applicants for International Protection (2024). <https://eur-lex.europa.eu/eli/dir/2024/1346/oj/eng>

Caselaw

Court of Justice of the European Union (CJEU)

Bashir Mohamed Ali Mahdi, Case C-146/14 PPU (CJEU 5 June 2014). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62014CJ0146>

F.M.S. and Others v. Országos Idegenrendészeti Főigazgatóság Dél-Alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság, Joined Cases C-924/19 PPU and C-925/19 PPU (CJEU 14 May 2020). <https://curia.europa.eu/juris/document/document.jsf?text=&docid=226495&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23440956>

Graham J. Wilson v. Ordre Des Avocats Du Barreau de Luxembourg, Case C-506/04 (CJEU [GC] 19 September 2006). <https://curia.europa.eu/juris/document/document.jsf?text=&docid=64426&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=20822814>

Samba Diouf, Case C-69/10 (CJEU 28 July 2011). <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-69/10>

Staatssecretaris van Justitie en Veiligheid v. B, C, and X, Joined Cases C-704/20 and C-39/21 (CJEU 8 November 2022). <https://curia.europa.eu/juris/document/document.jsf?text=&docid=267889&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=26865353>

UX v. Governo della Repubblica italiana, Case C-658/18 (CJEU 16 July 2020). <https://curia.europa.eu/juris/document/document.jsf?text=&docid=228662&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=29451177>

European Court of Human Rights (ECtHR)

- A.D. v. Malta, No. 12427/22 (ECtHR 17 October 2023). <https://hudoc.echr.coe.int/?i=001-228153>
- B.A v. Cyprus, No. 24607/20 (ECtHR 2 July 2024). <https://hudoc.echr.coe.int/eng?i=001-234516>
- Guðmundur Andri Ástráðsson v. Iceland, No. 26374/18 (ECtHR [GC] 1 December 2020). <https://hudoc.echr.coe.int/eng?i=001-206582>
- J.B. and Others v. Malta, No. 1766/23 (ECtHR 22 October 2024). <https://hudoc.echr.coe.int/eng?i=001-237438>
- K.A. v. Cyprus, No. 63076/19 (ECtHR 2 July 2024). <https://hudoc.echr.coe.int/eng?i=001-234514>
- Kaak and Others v. Grèce, No. 34215/16 (ECtHR 3 October 2019). <https://hudoc.echr.coe.int/eng?i=001-196150>
- Khlaifia and Others v. Italy, No. 16483/12 (ECtHR [GC] 15 December 2016). <https://hudoc.echr.coe.int/eng?i=001-170054>
- Louled Massoud v. Malta, No 24340/08 (ECtHR 27 July 2010). <https://hudoc.echr.coe.int/?i=001-100143>
- M.A. v. Cyprus, No. 41872/10 (ECtHR 23 July 2013). <https://hudoc.echr.coe.int/eng?i=001-122889>
- Toth v. Austria, No. 70276/01 (ECtHR 12 December 1991). <https://hudoc.echr.coe.int/eng?i=001-57710>
- Committee of Ministers of the Council of Europe. (2020). *MD v. Greece* (No. CM/ResDH(2020)315). Council of Europe. <https://hudoc.exec.coe.int/ENG#?i=001-22004-15397%22>

Books

- Dauvergne, C. (Ed.). (2021). *Research Handbook on the Law and Politics of Migration*. Edward Elgar Publishing. <https://www.elgaronline.com/edcollbook/edcoll/9781789902259/9781789902259.xml>
- Gatta, G. L., Mitsilegas, V., & Zirulia, S. (2022). *Controlling Immigration Through Criminal Law: European and Comparative Perspectives On « Crimmigration »*. Hart Publishing. <https://www.bloomsbury.com/uk/controlling-immigration-through-criminal-law-9781509933945/>
- Moraru, M. B. (2020). *Judicial dialogue in action : Making sense of the risk of absconding in the return procedure*. Hart Publishing. <https://cadmus.eui.eu/handle/1814/68376>
- Ruiz Robledo, A. (2023). *Constitutional Law in Spain* (3rd ed.). Wolters Kluwer. <https://law-store.wolterskluwer.com/s/product/constitutional-law-in-spain-third-edition/01t4R00000OZhrQAD>
- Wilsher, D. (2011). *Immigration Detention : Law, History, Politics*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511794360>

Academic Articles

- Angeli, D., & Anagnostou, D. (2022). A shortfall of rights and justice : Judicial review of immigration detention in Greece. *European Journal of Legal Studies*, 14, 97-131. <https://doi.org/10.2924/EJLS.2022.004>
- Arnulf, A. (2020). Article 47 CFR and national procedural autonomy. *European Law Review*, 45(5), 681-693.
- Basilien-Gainche, M.-L. (2015). Immigration Detention under the Return Directive : The CJEU Shadowed Lights. *European Journal of Migration and Law*, 17(1), 104-126. <https://doi.org/10.1163/15718166-12342073>
- Blisa, A., & Kosař, D. (2020). Scope and Intensity of Judicial Review : Which Power for Judges within the Control of Immigration Detention? In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 191-212). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-008>
- Boffa, M., & Galand, A. (2023). The Immigration Appeals Board : A compromised body and its unchecked practice. *ID Dritt*, XXXIII, 328-359.
- Bornemann, J., & Dörig, H. (2020). The Civil Judge as Administrator of Return Detention : The Case of Germany. In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (p. 213-236). Hart Publishing. <http://www.bloomsburycollections.com/collections/monograph-detail>
- Camilleri, C. (2019). Detention of asylum seekers in Malta—A study of Malta and Strasbourg Jurisprudence. *ID Dritt*, XXIX, 386-410.

Cornelisse, G. (2022). *Chapter 21: Criminalisation, containment and courts: a call for cross-fertilisation between the social sciences and legal-doctrinal research into immigration detention in Europe*. <https://www.elgaronline.com/edcollchap/book/9781786439635/book-part-9781786439635-31.xml>

De Leo, A., & Celoria, E. (2025). The Italy–Albania Protocol: A new model of border-shifting within the EU and its compatibility with Union law. *Maastricht Journal of European and Comparative Law*, <https://doi.org/10.1177/1023263X241309601>

Demetriou, C., & Trimikliniotis, N. (2020). Cypriot Courts, the Return Directive and Fundamental Rights: Challenges and Failures. In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 149-164). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-006>

Di Pascale, A. (2020). Can a Justice of the Peace be a Good Detention Judge? The Case of Italy. In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 301-316). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-013>

Guella, F. (2024). I giudici di pace e la riforma della magistratura onoraria. Profili di compatibilità con il diritto europeo e possibili ripercussioni sull'autonomia speciale. *Quaderni Della Facoltà Di Giurisprudenza, Università degli Studi di Trento*, 76, 5-13.

Legomsky, S. H. (2010). Restructuring Immigration Adjudication - Fortieth Annual Administrative Law Issue Immigration Law and Adjudication. *Duke Law Journal*, 59(8), 1635-1722.

Mancano, L. (2019). The European Union and Deprivation of Liberty. In *The European Union and Deprivation of Liberty: A Legislative and Judicial Analysis from the Perspective of the Individual* (p. 228). Hart Publishing. <http://www.bloomsburycollections.com/collections/monograph-detail>

Papapanagiotou-Leza, A., & Kofinis, S. (2020). *Can the Return Directive Contribute to Protection for Rejected Asylum Seekers and Irregular Migrants in Detention? The Case of Greece* (1st ed., p. 281-300). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-012>

Peers, S. (2024a). The New Asylum Pact: Brave New World or Dystopian Hellscape? *European Journal of Migration and Law*, 26(4), 381-420. <https://doi.org/10.1163/15718166-12340185>

Peers, S. (2024b). The new EU asylum laws: Taking rights half-seriously. *Yearbook of European Law*, 3. <https://doi.org/10.1093/yel/yeae003>

Pouly, C. (2014). Le juge des libertés, une garantie de façade. *Plein droit*, 94. <https://www.gisti.org/spip.php?article4534>

Rauchegger, C. (2021). Sources and Content of Article 47. In *The EU Charter of Fundamental Rights: A commentary* (2nd ed., p. 151-1260). Hart Publishing.

Rotaèche, C. G. (2020). Return Decisions and Domestic Judicial Practices: Is Spain Different? In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 63-82). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-002>

Saas, C. (2014). L'étranger et ses juges. *Plein droit*, 94. <https://www.gisti.org/spip.php?article2931>

Sarolea, S. (2020). Detention of Migrants in Belgium and the Criminal Judge: A Lewis Carroll World. In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 257-280). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-011>

Slama, S. (2020). Duality of Jurisdiction in the Control of Immigration Detention: The Case of France. In *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union* (1st ed., p. 317-348). Hart Publishing. <http://dx.doi.org/10.5040/9781509922987.ch-014>

Thym, D. (2023). Irregular Presence and Return. In D. Thym (Ed.), *European Migration Law* (p. 0). Oxford University Press. <https://doi.org/10.1093/oso/9780192894274.003.0017>

Tsourd, E. (Lilian), & De Bruycker, P. (2022). *Chapter 1: The evolving EU asylum and migration law*. <https://www.elgaronline.com/edcollchap/book/9781786439635/book-part-9781786439635-7.xml>

Vallbe, J.-J., Gonzalez-Beilfuss, M., & Kalir, B. (2019). Across the Sloping Meadow Floor: An Empirical Analysis of Preremoval Detention of Noncitizens. *Law & Society Review*, 53(3), 740-763.

Reports

Amnesty International (2024). *España: La privación de libertad, el oscuro método de gestión migratoria*. <https://doc.es.amnesty.org/ms-opac/permalink/1@000036276>

Accem, & ECRE. (2025). Detention of Asylum Seekers (Spain). *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/spain/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

aditus foundation, & ECRE. (2025). Detention of Asylum Seekers (Malta). *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/malta/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

ASGI & ECRE. (2025). Detention of Asylum Seekers. *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/italy/asylum-procedure/procedures/regular-procedure/>

ASGI, & ECRE. (2025). Detention of Asylum Seekers (Italy). *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/italy/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

Asta, F. (2020, February 11). Judicial Review on Migrants and Asylum Seekers' Detention Proceedings in Italy. *Oxford Law Blogs*. <https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/02/judicial-review>

Cyprus Refugee Council, & ECRE. (2025). Detention of Asylum Seekers (Cyprus). *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/cyprus/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

Defensor del Pueblo. (2021). *Migration on the Canary Islands* (p. 78). Defensor Del Pueblo. https://www.defensordelpueblo.es/en/wp-content/uploads/sites/2/2021/04/INFORME_Canarias-EN.pdf

Di Luciano, C., Landri, C. L., Veglio, M., & Alesina, G. A. (2024). *La Giurisdizione Apparente*. Osservatorio sulla giurisprudenza del Giudice di Pace di Torino in materia di trattenimento amministrativo. <https://www.asgi.it/wp-content/uploads/2024/05/Lexilium-2024-def.pdf>

ECRE. (2024, January 13). *ECRE Comments Paper: Reception Conditions Directive (Recast) | European Council on Refugees and Exiles (ECRE)*. <https://ecre.org/ecre-comments-paper-reception-conditions-directive-recast/>

European Commission. (2024). *2024 Rule of law report—Country Chapter of Cyprus* (No. SWD(2024) 813 final). European Union. https://commission.europa.eu/document/download/a3e5a6f3-2dc4-403a-94ea-af42177813e9_en?filename=31_1_58067_coun_chap_cyprus_en.pdf

European Commission. (2020). *2020 Rule of Law Report—Country Chapter on the rule of law situation in Cyprus* (No. SWD(2020) 312 final). European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020SC0312&from=en>

European Commission for Democracy Through Law (Venice Commission). (2010). *Report on the independence of the judicial system – Part I - judges* (No. CDL(2010)006). Council of Europe. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2010\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2010)006-e)

European Commission for Democracy Through Law (Venice Commission). (2021). *Cyprus—Opinion on three Bills reforming the Judiciary* (No. CDL-AD(2021)043). Council of Europe. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)043-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)043-e)

GCR, & ECRE. (2025). Detention of Asylum Seekers (Greece). *Asylum Information Database | European Council on Refugees and Exiles*. <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/procedural-safeguards/judicial-review-detention-order/>

International Commission of Jurists. (2014). « Undocumented » Justice for Migrants in Italy. <https://www.refworld.org/reference/mission/icjurists/2014/en/102162>

Refugee Support Aegean. (2024a). *Immigration detention in Greece in 2023—R.S.A.* <https://rsaegean.org/en/immigration-detention-in-greece-in-2023/>

Refugee Support Aegean. (2024b). *Immigration detention in Greece in the first half of 2024—R.S.A.* <https://rsaegean.org/en/immigration-detention-greece-first-half-2024/>

Blogposts

[Maciocchi, P. \(2025, May 2\). Migranti, niente CPR senza una corretta informazione sui diritti, Il Sole 24. <https://www.ilsole24ore.com/art/migranti-niente-cpr-senza-corretta-informazione-diritti-AHcCcJZ>](#)

ASGI (2025, January 20). Nuova Strategia per i Trattenimenti: Fuga dal Giudice Specializzato e dalla Corte di Cassazione. ASGI, <https://www.asgi.it/asilo-e-protezione-internazionale/nuova-strategia-per-i-trattenimenti-fuga-dal-giudice-specializzato-e-dalla-corte-di-cassazione/>

ASGI. (2024, May 6). La giurisdizione apparente nel Centro per il rimpatrio di Torino. ASGI <https://www.asgi.it/allontamento-espulsione/la-giurisdizione-apparente-nel-centro-per-il-rimpatrio-di-torino/>

Bouvier, C. (2022, October 3). *Immigration detention and de facto detention : What the law says*. PICUM. <https://picum.org/blog/immigration-detention-de-facto-detention/>

Brandl, U. (2024, October 14). Mix and Match. Detention, “De-Facto Detention” or just Restrictions of Freedom of Movement in the New Pact – EU Immigration and Asylum Law and Policy. *Odysseus*. <https://eumigrationlawblog.eu/mix-and-match-detention-de-facto-detention-or-just-restrictions-of-freedom-of-movement-in-the-new-pact/>

Chetail, V., & Ferolla Vallandro do Valle, M. (2024, May 23). *The Asylum Procedure Regulation and the Erosion of Refugee’s Rights – EU Immigration and Asylum Law and Policy*. <https://eumigrationlawblog.eu/the-asylum-procedure-regulation-and-the-erosion-of-refugees-rights/>

Council of Europe Commissioner for Human Rights. (2024, February 14). In few areas erosion of rule of law more visible than in approach to migration management. *Council of Europe*. <https://www.coe.int/en/web/special-representative-secretary-general-migration-refugees/-/in-few-areas-erosion-of-rule-of-law-more-visible-than-in-approach-to-migration-management-says-commissioner-mijatovi%C4%87-presenting-her-annual-report>

De Bruycker, P. (2024, May 2024). Genealogy of and futurology on the pact on migration and asylum – EU Immigration and Asylum Law and Policy. *Odysseus*. <https://eumigrationlawblog.eu/genealogy-of-and-futurology-on-the-pact-on-migration-and-asylum/>

De Leo, A. (2024, October 24). Op-ed : Does the Rome court’s refusal to validate the detention order of the first asylum seekers brought to Albania mark the end of the Italy-Albania deal? *ECRE*. <https://ecre.org/op-ed-does-the-rome-courts-refusal-to-validate-the-detention-order-of-the-first-asylum-seekers-brought-to-albania-mark-the-end-of-the-italy-albania-deal/>

European Council on Refugees and Exiles (2025, March 13). Proposal for an EU Return Regulation. *ECRE*. <https://ecre.org/proposal-for-an-eu-return-regulation/>

Guild, E., & Apatzidou, V. (2024, October 11). EU Pact Instruments on Asylum and Minimum Human Rights Standards – EU Immigration and Asylum Law and Policy. *Odysseus*. <https://eumigrationlawblog.eu/eu-pact-instruments-on-asylum-and-minimum-human-rights-standards/>

Liboreiro, J. (2025, February 6). Concerns and doubts mount over EU plan to build deportation camps. *Euronews*. <https://www.euronews.com/my-europe/2025/02/06/concerns-and-doubts-mount-over-eu-plan-to-build-deportation-camps-outside-its-borders>

Macé, M., & Plottu, P. (2025, January 30). Un magazine d’extrême droite liste les avocats «coupables» de «l’invasion migratoire». *Libération*. https://www.liberation.fr/politique/un-magazine-dextreme-droite-liste-les-avocats-coupables-de-linvasion-migratoire-20250130_4BFQKR3YTVEJLPI3ZKJFE4ML7Y/

ANNEX – Effectiveness of Immigration-Detention Tribunals (Cyprus, Greece, Italy, Malta, Spain)

Country	Accessibility	Independence	Speediness of Review	Scope of Review	Onward Appeals
Cyprus	- National law provides only for reviews on application before the Administrative Court or the International Protection Appeals Court (IPAC) <i>habeas corpus</i> proceedings available before the Supreme Court - Severe lack of information hampers access to the Courts	Professional judges generally considered independent	- Proceedings before the Administrative Court or the IPAC lack the required speediness, with appeals lasting several weeks or months <i>Habeas corpus</i> are efficient	- Administrative Courts tend to confirm detention orders and generally fail to address all relevant criteria in a consistent and comprehensive manner <i>Habeas corpus</i> proceedings are only effective in situations of <i>de facto</i> detention	Onward appeal on both fact and law available from Administrative Courts and the IPAC's decisions
Greece	- Asylum-seekers benefit from both <i>ex-officio</i> reviews and the possibility to file an <i>application</i> (objection against detention) before the Administrative Courts - Third-country nationals must either apply themselves or wait for the statutory <i>ex-officio</i> review (3 months after detention) before the Administrative Courts - Information deficits hamper access to the “objection against detention” procedure	Professional judges generally considered independent	Geographic dispersion of Administrative Courts on the islands severely affects speediness	- Courts generally fail to address all relevant criteria in a consistent and comprehensive manner - Courts tend to confirm detention orders in an automatic manner when carrying <i>ex officio</i> reviews	The lack of appeal severely affects case law coherence and quality
Italy	A judge must validate the detention order within 48 hours;	Giudice di pace are honorary judges whose	No issues reported	<i>Giudice di pace</i> reviews are criticised for their limited depth	Cassation proceedings are available but considered insufficient due to their limited scope

Country	Accessibility	Independence	Speediness of Review	Scope of Review	Onward Appeals
	subsequent <i>ex-officio</i> reviews occur later. - For asylum detention, first instance civil courts were conducting <i>ex-officio</i> reviews until 2025. The transfer to the Court of Appeal may hamper access due to procedural uncertainty and geographical constraints. - For pre-removal detention, the giudice di pace performs the review.	independence and qualifications are criticised		- First instance Civil Courts <i>ex-officio</i> reviews of asylum detention are comparatively more thorough. - The quality of asylum detention reviews is expected to decrease due to the transfer of competence to the non-specialised judges of the Court of Appeal.	(law-only and limited grounds for asylum detention appeals as of 2025) and the difficulties in accessing them, despite notable efforts to harmonise case law.
Malta	- Provides both <i>ex-officio</i> reviews and the ability to file an application for asylum seekers before the Immigration Appeals Board (IAB) - Third-country nationals must wait for <i>ex-officio</i> reviews after 6 months before the IAB <i>Habeas corpus</i> proceedings are available before the Court of Magistrates in theory, but a lack of information restricts access	- The IAB is not independent from the executive due to its composition (non-professional judges), the method of appointment (discretionary and not merit-based), the short renewable terms and lack of financial stability - The independence of other judges is generally not called into question	- The IAB has failed to hear cases on application or where an <i>ex officio</i> review was mandatory. <i>Habeas corpus</i> proceedings happen on the day of the application - Applications to the Constitutional Court lack speediness	- The IAB's reviews are narrow and often lack reasoning; it does not adequately examine necessity and proportionality <i>Habeas corpus</i> proceedings are only effective in situations of <i>de facto</i> detention	- Lack of appeal from IAB decision negatively affects the quality and coherence of the case law - Constitutional redress proceedings provide for an appeal on both points of fact and law, but are considered ineffective due to their cumbersome nature and their duration
Spain	- Criminal judges issue detention orders themselves - An application can be filed to obtain a review of detention at a later stage	No reported concerns over independence	Resource constraints have caused delays	Judges tend to rely heavily on the authorities' submissions and show criminal law bias, relying on past criminal convictions rather than on other factors	Appeals are accessible on both points of fact and law before the competent High Court

Country	Accessibility	Independence	Speediness of Review	Scope of Review	Onward Appeals
	• No reported issues of accessibility			• Judges tend to automatically issue detention orders	• Constitutional redress proceedings (recurso de amparo) are available