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Lost in limbo? Navigating (im)mobilities and practices of appropriation of non-deportable refugees in the Mediterranean area

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Abstract

Malta, an island-state, limits the mobility of non-deportable, rejected asylum seekers who want to leave due to the lived consequences of disintegration. Stripped of any legal entitlements non-deportable refugees only have restricted access to the job market, basic services, and health care. They have no formal legal status whilst their presence and stay are known by the immigration authorities. However, although non-deportability restricts refugees' mobility, they find ways to navigate the system governing their physical and social immobilities.

Based on (auto-)ethnographic fieldwork conducted in Malta and Italy, non-deportable, rejected asylum seekers' lived experiences of first reception in Malta and migrating to Italy are illuminated. While enacting their denied right of mobility, new challenges reveal themselves, resulting in a life in limbo that continues even after they leave Malta. Through the conceptual lens of the 'perspective of migration' we consider the making and unmaking of refugees' (im)mobilities. In doing so, we pursue a three-stage approach. First, we shed light on produced immobilities while in Malta. Second, we explore refugees' practices of appropriation of mobility and third, we turn to new possibilities and challenges they face after a secondary movement to Italy. From a micro-analytical perspective, we examine how non-deportable refugees navigate the system governing their social and physical (im)mobilities. Practices of resistance and conciliation are illustrated.

Keywords: Malta, Italy, Non-deportability, (Im)mobility, Practices of appropriation, (Auto-)ethnography, Agency

Introduction

"It is crazy, you have to do another flight—the one from Malta", Buba Sesay stated after he safely arrived in Italy, which was just another transit point on his journey through Europe to a country where his partner's family lives. Buba, from Sierra Leone, lived 3 years in Malta with a notice of rejection,[1] where he met his partner Emily,[2] who holds citizenship in a European country. They tried to legalize his stay in Malta, but this turned out to be impossible due to Buba's lack of a formal legal status. There was no possibility of regulated movement or settlement in another European country. Many refugees,[3] like Buba, bore a negative decision of their asylum case. The refugees

end up either in multi-linear movements (Wyss, 2019), which depend on opportunities that open up along their journey, or remain in limbo in Malta. On the island-state, rejected asylum seekers face many institutional and legal obstacles to their *integration.*[4] These obstacles are often caused by a lack of access to rights, starting with the lack of issuance of appropriate documents, such as a passport, proof of residence permit etc., despite non-deportability through no fault of their own.

In a significant number of cases the process of deportation is neglected despite an issued deportation order (see e.g. Clearingstelle Trier, 2011 for Germany; Küffner, 2017 for Austria; Leerkes, van Os, & Boersema, 2017 for the Netherlands; Paoletti, 2010 for the UK). This "deportation gap" (Gibney, 2008, p. 149) is due to various legal and factual reasons. This article examines the impacts of the non-implementation of deportations in Malta and due to unregulated[5] follow up migration of affected refugees also in Italy. Non-deportable[6] refugees are in legal limbo as they do not fit into the triad of citizens, state and territory. Thus, they are relegated to a deregulated space between nation states. While the national laws of some EU member states (among others Germany, Austria and the Czech Republic) provide for a formal authorization to stay––formal toleration––which can lead after a certain time period to a residence permit (European Union Agency for Fundamental Rights, 2011, p. 36f.), in Malta the presence of non-deportable refugees is known by the immigration authority, although there is neither suspension of deportation, nor legal right to stay. This may lead to a permanent situation with limited access to employment, basic services, housing, and health care services (Caruana, 2016, p. 8)[7].

Further, non-deportable refugees are not permitted to leave Malta and travel to mainland Europe. For these refugees, there are no real opportunities of either voluntary or forced return. The EU-Return Directive––a measure to harmonize the handling of deportations––also sanctions this, as there is no "mechanism [provided] to put an end to situations of legal limbo that derive from protracted situations of non-removability" (EU Agency for Fundamental Rights, 2011, p. 11).

However, despite the strict regulatory hurdles facing non-deportable refugees, new spaces of opportunities emerge. In spite of refugees' *non-deportability* and *rejected status* as well as the restricted possibilities in terms of enforceability of rights, refugees still achieve mobility to the European mainland. Refugees achieve mobility and escape Malta's "permanent temporariness" (Menjívar, 2006) through *practices of appropriation*[8] (Scheel, 2017). However, while enacting their denied right of mobility, their lack of legal status and the consequences of the Dublin Regulation often causes problems and challenges for refugees in the follow migration countries. The impact of their non-deportability status continues even after they leave Malta. This leads to the following research questions: How do non-deportable refugees navigate the system governing their social and physical (im)mobilities[9]? And with which practices do non-deportable refugees appropriate mobility?

In order to give insights into refugees' practices and the role of different actors as well as factors, a methodological and analytical framework is needed, that takes into account the complexity of the Maltese border and deportation regime[10] and its inherent contradictions, conflict of interests and competing logics (see also Zapata-Barrero & Yalaz, 2018, p. 3). The findings are based on anthropological, ethnographic fieldwork carried out in Malta and Italy between 2015 and 2018, as well as on auto-ethnographical interjections. The survey and

analysis followed the theoretical and methodological concept of the Ethnographic Border Regime Analysis (Hess & Tsianos, 2010; henceforth "EBRA"). In contrast to traditional migration research, the EBRA establishes "a critical research practice that places the politics of power at the center of contemplation" (Hess, Kasparek, & Schwertl, 2018, p. 258).

Building on critical migration studies, this article follows more recent studies about refugees' resistance and agency (e.g. Andrijasevic, 2010; De Genova & Peutz, 2010; Küffner, 2017) and fits into the literary corpus that develops innovative research perspectives on movements of migration (Heimeshoff, Hess, Kron, Schwenken, & Trzeciak, 2014; Scheel, 2017; Transit Migration Forschungsgruppe, 2007). Instead of positioning transnational movements of migration in discourses of failure of migration control, the EUropean[11] border regime is theorized and investigated from the *perspective of migration* (Mezzadra & Neilson, 2013; Scheel, 2017). In recent debates about forced migration, this approach marks a change of perspective. The perspective of migration helps to understand forced migration as a practice and negotiation. Thus, it sees itself as a "counter-concept" (Transit Migration Forschungsgruppe, 2007) to traditional migration research, focusing on the action and subjectivity of refugees and no longer seeing migration as passive and only reactive behavior (Moulier Boutang, 1993).[12] Although the perspective of migration recognizes the agency of all involved actors within the border regime, an unequal balance of power can be observed and the reasons behind the phenomena of resistance and appropriation become of interest. Such an approach enables researchers to focus on the mechanism by which refugees are turned into "illegals" in the first place and then forced into ever more risky forms of mobility (Scheel, 2015, p. 3). Further, it allows for an analysis of deportability, (non-)deportations negotiations, agency and practices of resistance and appropriation, which are underrepresented in many studies on deportations (Andrijasevic, 2010, p. 149; Coutin, 2015, p. 674).

The textualization of this article also embeds itself in the principles of critical migration research, which call for questioning and counteracting power relations. A collaborative knowledge production approach was followed: Sarah Nimführ conducted the research and analysis for the study and drafted the manuscript, whilst Buba revised and interjected the manuscript in an auto-ethnographic style throughout the writing process. This form of collaborative writing allows the power of interpretation of ethnographic data about refugees' lives to be shared "without claiming definitively to represent them" (Rodgers, 2004, p. 49). For Buba and other affected individuals, this process could allow a perspective of a co-operation with a critical public. Thus, this article intends to scientifically criticize the production of disenfranchised spaces (Bourdieu, 2004), and in doing so, may contribute to a move "that can make personal and social change possible for more people" (Ellis, Adams, & Bochner, 2011, p. 277).

The article is structured as follows: First, we set the discussion by contextualizing non-deportability in the Maltese context. Second, we continue with an introduction of our methodological approach in light of the nexus of the EBRA and a reflection in an auto-ethnographic style. Third, the empirical part considers the (non-)production of refugees' im–/mobility and pursues a three-staged approach: (1) produced immobilities, (2) leaving the island against all odds, and (3) phenomena of (im)mobilities in the follow migration country. Fourth, we present concluding remarks and discuss the questions with reference to the analytical framework.

Non-deportability in the Maltese context

The island-state Malta is located in the Mediterranean between Libya and Italy along the refugee route between Africa and Europe. Since joining the EU in 2004, nearly 20,000 people have reached the smallest EU-member state to date (NSO, 2018, p. 2). From the beginning, Sub-Saharan Africa refugees have come to embody the "others" (Pisani, 2013). Malta's response to immigration is characterized by repressive policies including the detainment of refugees and a displacement of refugees to the margins of society (among others Klepp, 2011). Refugees are publicly represented as a societal threat. Consequently, securitization, expressed as a *need* to protect the island-state against "unwanted intruders" (Pisani, 2013, p. 78) has constantly been highlighted by the government:

> Given Malta's size you cannot expect the government to release illegal immigrants into the streets (…). This would send the wrong message and spell disaster for the country (…) As a minister I am responsible, first and foremost, for the protection of Maltese citizens (Minister of Home Affairs and National Security, quoted in Calleja, 2009).

This has led to a regime of mandatory detention for asylum seekers entering Malta outside legal regulations. Among EU states, Malta uniquely handles unregulated entry asylum seekers by issuing them a deportation order directly after their arrival––which is suspended during the asylum process––and then detaining them up to 18 months[13] during the asylum process (Mainwaring, 2012). While detained, asylum seekers are given asylum interviews to determine whether the seeker is entitled to legal protection. The status that will be determined by the interview not only influences the prison term, but also the rights the refugees have. Four outcomes of the asylum interview are possible, each entailing a different set of legal possibilities of which rights an asylum seeker will receive (see Table 1).

In theory, a notice of rejection should be followed by deportation in the immediate future. However, the majority of rejected asylum seekers who have been in Malta for many years with a pending deportation are unable to be returned to their countries of origin through no fault of their own.

According to a Maltese human rights lawyer, the non-deportability is caused by the specific and unique problems that would confront the island-state in comparison to other reception countries: "Possibly, if they [refugees] were elsewhere [other EU member states], the situation would be different. (…) In Malta, the only people the government has had success in returning (…) are Nigerians and to a lesser extent Ghanaians" (Lawyer of an international NGO 23 July 2015). Malta is confronted with missing re-admission agreements, a lack of cooperation with certain states (EMN, 2016, p. 20), as well as high costs of organized deportations. Furthermore, barriers to deportations are couched in human rights based decisions, such as the protection of family life or the physical health of the person to be deported (Pisani & Giustiani, 2009).

In many cases the option of assisted voluntary return ("AVR") also presents challenges to the deporting state due to "the refusal by the receiving state's authorities to positively identify those co-nationals" (EMN, 2016, p. 3). Even when refugees wish to go back to their country of origin, AVR' implementation is hindered by a lack of the required documentation (ibid.). Additionally, AVR is not a real option for most of the

Table 1 Outcomes of the asylum interviews between 2004 and 2015

Outcome	Quantity	Residence Permit	Length of Residence Permit	Regulated Movement and Mobility	Health Care	Social Benefits	Access to Work
Refugee Status	4%	Malta; after 5 years Entitlement to EU/EC permanent residence, then relocation to another EU country possible	3 years; renewable	no geographical limitation, except country of origin	full access	full access	work permit for 1 year; renewable
Subsidiary Protection Status	55%	Malta	1 year; renewable	Schengen-Area	core access	core access	work permit for 1 year; renewable
Temporary Humanitarian Protection Status	8%	Malta	1 year; renewable	in case of serious humanitarian reasons also outside Maltese territory	core access	core access	work permit for 1 year; renewable
Asylum Rejection	28%	No legal right to stay (de facto toleration)	De facto toleration until deportation	Only within Maltese territory	Only in the case of emergency	limited access while accom- modated in the open center	'permit to work' for 3 months; renewable
Closed Cases	5%	–	–	–	–	–	–

Own presentation based on Government of Malta, 2016, Caruana, 2016 and UNHCR, 2019

rejected asylum seekers because of security reasons, and thus, is a contested issue (Falzon, 2007).

"Deportability"—conceptualized as a vulnerability to deportations at any time (De Genova, 2002)——is like a sword of Damocles hovering over refugees living in this irregularized situation. A financial or social safety net is deficient or entirely missing while the length of this (non-)deportability[14] is unknown. This legal vulnerability fuels the demand for non-deportable refugees as highly exploitable manpower and non-deportable refugees often end up in precarious formal and informal work relationships (Bijl & Nimführ, 2019).

Conceptualizing (non-)deportability as a form of labor subordination supports inquiry into the workings of (non-)deportability during different stages of the migration process. (Non-)deportability is not a juridical status but a socio-political (De Genova, 2002) and embodied condition (Willen, 2007) that shapes many aspects of refugees' everyday life. According to De Genova (2010), the elementary precondition of human freedom is the freedom of movement. The threat of deportation—— even if only psychological——has disruptive effects on refugees' physical and social mobility that can be understood as an "exquisitely concentrated abnegation of that freedom" (De Genova, 2010, p. 58). But even when refugees find themselves involuntarily (and temporarily) immobilized in a "transit space" (see also Schapendonk, 2012), it is necessary to pay attention to the way that refugees themselves navigate the system governing their (im)-mobility. Whereas in Greece transiting refugees actively use their (non-)deportability to leave the island of Lesvos (Franck, 2017), in Malta, trying to leave the island-state without appropriate travel documents leads to imprisonment due to "irregular departure" (Nimführ, 2016, p. 268). Whilst (non-)deportability signals a coercive mobility, detention represents a coercive immobilization (De Genova, 2016) leading to a striking phenomenon: on the one hand, refugees' movement is restricted, while on the other hand they are simultaneously forced to move due to a lack of settlement opportunities.

Methodological and analytical framework

Ethnographic border regime analysis (EBRA)

Delegating persons into a legal limbo can be understood as an aspect of the EUropean border regime. The regime represented in this article is not the result of consistent planning but is the outcome of negotiations between refugee and non-refugee, governing and non-governing actors: migration and border are seen as a co-produced social practice (see e.g. Tsianos & Kasparek, 2015). The theoretical and methodological considerations of the EBRA were applied to analyze the deportation border regime (Hess & Tsianos, 2010). The EBRA focuses on the scope for action of migration actors. Governing and non-governing actors are understood alike as co-producers (Scheel, 2017, p. 25) and cannot be considered merely in a subject-object relationship (Karakayali & Tsianos, 2007). Thereby, refugees are understood as actors with agency, whose "tactics and movements become a controlling element of migration movements" (Hess & Tsianos, 2007, p. 38). Since agency is always "agency *toward* something" (Emirbayer & Mische, 1998, p. 973; emphasis in original), agency is to be understood as an interactive process between the individual and society, structure and action, as well as social constraints and individual autonomy (Scherr, 2013, p. 232).

Implementing the EBRA for this study means to analyze (im)mobilities and their consequences originating from the negotiation struggles and applied practices of governing and non-governing actors. Following a heuristic understanding, e.g. the effective "body count" of crossing the border is not crucial for defining refugee's agency, but rather, whether and how refugees try to appropriate social and physical mobility "within and against the European border regime and thereby question the political and economic status quo that is to be maintained by this border regime" (Scheel, 2015, p. 2).[15]

Operationalization of the study

Between February 2015 and June 2018 Sarah conducted five research visits of several weeks in Malta. Through her research in the community, Sarah was brought into contact with Buba, who has lived in Malta since 2013 and held a "double reject."[16] The *snowball sampling* method was used thereafter to focus on "relationship networks" (Bourdieu, 1983), which were established through continuous practices of exchange. Additional contacts were made by joining migration-related events, e.g. protests of refugees, solidarity walks, etc. Non-deportable refugees' living situations were explored through "hanging out" (Rodgers, 2004). This approach comprises interpersonal and informal encounters with refugees. These encounters encouraged timely and spontaneous conversation about sensitive issues. In contrast, formal interviews could have adverse effects and might be perceived as interrogations which could remind refugees of their asylum hearings. Overall, contact with 22 refugees was established, whereof 12 identify as male and 10 as female. The majority came from Western African states. The sample group comprises of single individuals, single parents, and families. At the moment of collection of the data, the refugees were between 20 and 53 years old.

Additionally, selected institutionalized migration actors, who significantly shape and determine––both discursively and practically––(non-)deportability through their institutionalized role, were interviewed. The selection of interviewees was determined by "studying through" (Shore & Wright, 1997), meaning "tracing ways in which power creates webs and relations between actors, institutions and discourses across time and space" (Shore & Wright, 1997, p. 14). Ethnographic interviews (Schmidt-Lauber, 2007) with 29 actors from 22 institutions were conducted. These comprise representatives of national and international NGOs, government agencies, church-related organizations, the Maltese Asylum Status Agent, immigration police, military, as well as migrant organizations.

The strongly politicized field of knowledge of forced migration research makes questions of research ethics particularly urgent. Conducting research with vulnerabilized individuals leads to a unique set of challenges, contradictions, and conflicts. In particular, when refugees find themselves in institutionalized surroundings, the question of *how* they should be addressed for research is crucial. It has always been a concern to communicate the research interest as best as possible in order to obtain an informed consent which was received in return.

Like Buba, some refugees left Malta after a certain time. In August 2016, Sarah therefore extended her research to Italy in accordance with Marcus' (1995) "follow the people" strategy. Besides visiting former research partners from Malta––whereof one

was Buba——Sarah conducted three interviews with representatives of various NGOs who are in contact with irregularized refugees.

Textualization of this article

This article was drafted as a collaborative knowledge production beyond "academic limitations" (Fontanari, Karpenstein, Schwarz, & Sulimma, 2014, p. 111). It transcends divisions between researcher and researched individuals, theory and practice, as well as scholarship and active participation. Since Sarah met Buba in the summer of 2015, they have been in regular contact, both personally and via internet. The process of collaborated knowledge production was gradually set through the authors' interaction during and after the research phases.

Sarah carried out the research and the analysis of the study and drafted the manuscript including framing the problem and definition illustrated in this article. Buba was involved in revising and interjecting the manuscript with personal experiences throughout the writing process. Whereas studies about refugees' journeys and their life situations are often written by individuals who have never experienced forced migration (Khosvari, 2010), this form of collaborative (auto-)ethnographic writing allows a contextualization of refugees' own accounts of their experience as it is partly first-hand.

Auto-ethnography combines features of autobiography and ethnography. Buba retrospectively and selectively provided insights that stem from being part of, as well as a victim of, the production of (non-)deportability for a certain time. According to the anthropologist Khosvari (2010, p. 6) an "auto-ethnography gains its narrative power from the concept of witnessing (…) [as] Witnesses have themselves lived the disaster." Usually, auto-ethnographical authors also may interview others that share this experience (Foster, 2006). Even if Buba's contribution of his insights does not comply strictly with the traditional way of auto-ethnographical data collection (Ellis et al., 2011), he operated in an auto-ethnographical style: his personal experiences were used to illustrate facets of lived consequences of non-deportability, and thereby, made characteristics of living in limbo familiar for "insiders" and "outsiders" – whereby the latter is comprised of persons who have not personally experienced the consequences of non-deportability (p. 276). Retrospectively he considered ways others experienced living in limbo. Thus, the authors, through the interweaving of Buba's first-hand insights with Sarah's fieldwork data, both refer to the same situation and/or same persons from different points of views. Thereby, a "wider lens on the world" (p. 275) is opened up, which also helps to understand individuals' influences on our experiences and interpretations.

Further, the auto-ethnographical style of writing not only seeks to make Buba's experiences meaningful and engaging, but also produces a more accessible text. Being a result of Sarah's ethnographic fieldwork among non-deportable refugees and Buba's own embodied experience of living in limbo due to (non-)deportability, this article may be able to reach a wider and more distinct readership than traditional research.

The making and the unmaking of refugees' (im)mobility

Produced immobilities

Most of the refugees who entered Malta by boat had planned to arrive in Italy and the open continental space of the Schengen Area. However, due to bad weather conditions or other unpredictable incidents, they arrived in Malta by happenstance. "We never

planned to come here. I heard about Malta the first time when we were rescued," Blaze stated, who lived in Malta since 2011 with his wife and two children. Once rescued at sea and the preliminary identification process was completed, they were transferred to the *detention center*.

When Buba was detained in 2013, about 400 to 500 people were placed in one big open hall. Buba and other detained refugees tried to make their lives inside detention more human by working with the staff, as they thought that this could help them to improve their situation. Food, which was provided by the Detention Services, was used in exchange for cigarettes, phone calls, etc. "We kept sugar, salt, and other things for selling or swapping with other goods", stated a refugee named Ebrima, who arrived in the same boat than Buba. However, the relationship between detained refugees and staff was tense and problematic. Despite certain arrangements with staff members, refugees were regularly punished by them. Buba was unjustifiably accused by a police officer of trying to escape and had to spend 158 days in central prison.

During detention, refugees do receive regular opportunities to be outside, only being released into small concrete backyards during the daytime. As the Head of Detention Services explained:

> They have recreational areas on the outside, obviously with walls (...) But they can still walk about, we do not have a lights-out system … Even when they are not in the recreational yards, they are free to move about in the corridors (Head of Detention Services in Malta, 20 April 2016).

Buba considers the Head of Detention Services speaking of free movement in a detention center to be nothing more than bare mockery: "We are less worth than a dog. A dog can go out whenever he wants." The only real possibility to leave the walls of the detention center were special health care treatments, when refugees had to see a doctor at the hospital. As Ebrima reported, "A couple of times I was accompanying some people to hospital for interpreting because their English wasn't good. (…) I started offering this regularly, otherwise I would have gone mad being always behind these walls."

Nevertheless, the possibility to leave detention for a couple of hours placed refugees in an ambiguous situation. Buba was brought to the hospital in handcuffs for a medical examination, and presented to the public as a criminal. Likewise, this practice interfered with the medical examinations because the doctors could not examine him proper due to handcuffed feet and hands, which were not taken off during examination.

One way to leave the detention center before the end of the ordered detention period represents special health conditions. The founder of a Maltese NGO illustrated such a form of early release:

> In 2004 I used to go to the detention and at that time it was crazy, because it was still new. A lot of women would become pregnant because they knew if they are pregnant they will be free from detention. If you are not pregnant you will still be there (Founder of a national NGO in Malta, 21 July 2015).

Blaze and his wife Jessica spent 8 months in the detention center. Then they were released early due to Jessica's pregnancy and housed in an *open center*.

When released from a detention center, rejected asylum seekers are accommodated in an open center for a maximum period of 1 year. Only a few open centers are located in urban areas, while others are situated in remote places with bad infrastructure. Especially the *Tal Gebel Open Center*, a former British military base in Malta, has bad infrastructure, e.g. poor shopping facilities and insufficient traffic connections. Often, wire fences surround these centers and entry is only possible by passing through security doors. An investment in integration is seen as obsolete by the government:

> It is very obvious that no asylum seeker (…) wants to stay in Malta. And I think the more we are making people stay (…) by integration, the more we are doing harm to these people. (…) integration is not a win when people don't want to stay (Representative of a governmental agency in Malta, 25 February 2015).

The discrepancy of a *closed* open center is also picked up by the Gambian Gabriel who left the open center as soon as possible:

> After detention I've spent only a few weeks in Balbi Open Center. You have to share your room with people you don't know, you're not even allowed to set up a radio without asking one of the social workers. There are cameras everywhere, so no privacy at all. And you are not allowed to get visits from friends, no foreigners are allowed to come inside. So why is it called an open center then? As soon as I found a job I was moving into my own apartment. I don't want to be dependent on them [state].

However, Sub-Saharan-Africa refugees especially have trouble finding affordable rented accommodations due to racism. Landlords often told refugees that no housing is available. If refugees were lucky enough to find a house, the absence of a steady income made it hard to keep it. Houses were shared with many people in order to split the rent, but if someone was unable to pay the rent for more than a month, housemates would kick him or her out.

For rejected asylum seekers, the government has adopted a policy of providing permits for *regular* work[17] to avoid destitution. But in reality, many employers refused potential contracts because they prefer people with a protection status, as "the employer doesn't have to go through the hassle of applying for a work permit which needs to be renewed every three months" (Lawyer of an international NGO, 23 July 2015). Thus, many refugees end up in precarious employment relationships. A lot of Maltese employers never paid the promised wage or paid individuals less than what was agreed. Employers even threatened Buba that they would call the police to arrest him if he complained about his unfair treatment. Some refugees end up on the streets when they are unable to regularly pay the rent, and rejected asylum seekers who are discharged from the open center after 1 year could be found under a bridge in Tal Gebel that was close to the open center.

Through networking in the African community, Buba arranged an apartment for himself. Similarly, his friend Suma managed to find a shared apartment in the same town. Suma, who was also burdened with a double reject, worked as a day laborer on a construction site. He attempted to play football in a Maltese football club: "The Club offered me a contract. But due to my missing legal status I cannot accept their offer."

When Suma heard that a regularization of his stay would be easier in Italy, he decided to save money for leaving Malta. Buba also decided to move on with his life after he tried at all costs to get his presence in Malta legalized without any result. Eventually he saw no option other than to leave Malta independently.

Leaving the island against all odds

A lack of a regular residence permit or any travel documents substantially impedes possibilities of movement of non-deportable refugees. In this context, travel plans develop in different ways: whereas beneficiaries of protection can use their right to travel, refugees without a legal status leave the island-state with falsified or borrowed documents or without any documents at all. As shown previously, the impediment of physical and social mobility of non-deportable refugees is why non-deportable refugees try to leave Malta and reach the European mainland:

> Experiences have shown us that they try to use documents issued to their co-nationals living in other member states. So if I'm a Nigerian living in Spain and I have a residence permit for Spain, I would post it to him, to the Nigerian who has a double reject in Malta, and he will try to use it to leave Malta to Spain (Representative of the Immigration Police in Malta, 27 October 2015).

When Ebrima left Malta for Spain on such a flight, he did not encounter any problems. But sometimes people were checked and then faced imprisonment when caught using false documents or documents that were not their own. On Suma's first attempt to leave Malta, he was arrested when he was caught at the airport trying to leave Malta with somebody else's documents. He was detained for 4 months. He was in a group of eight men, all of whom wanted to leave Malta. One of the men became scared when he saw a police officer at the airport and ran away. "Everybody else started running too which raised attention to the police. The guy who ran away caught a taxi and escaped but we were arrested immediately," Suma recalled.

Buba was informed about the arrest of Suma and on the following day, he was appointed by the court to translate for his friend during the hearing. Finally, Suma was convicted to 6 months prison. But the threat of imprisonment did not scare him from trying again. He sees no alternative for non-deportable refugees than to leave. If they stay in Malta, they are stuck on the island, which is why being in Malta is often referred to "being in prison" in the narratives of many refugees. Finally, on his second attempt, Suma successfully left Malta to Italy.

Buba was hopeful after he learned that his friend managed to cross the sea. He spoke with many people to get advice on which way was best to travel, which period of the year had the fewest security measures and which time of day was the safest. When Buba left the island, he was a bit anxious, but once the journey started, he felt exhilarated. He had not told his European partner that he was on his way as he knew that she––and also other Europeans in general—would be afraid that authorities could charge Buba with a crime for travelling without the formal right to do so. But Buba was not afraid, just happy to take charge of his own life again. His positive attitude resulted from the knowledge that even when interacting with people labelled as criminals, in the EU there are laws and human rights that authorities have to follow.

Unlike Buba, Suma and Ebrima, Blaze and his family could not manage to leave Malta independently. "How should I leave Malta with two kids? It is difficult enough to get suitable documents for one or two persons. But for children? Impossible", Blaze explained his predicament.

As there are no other options for many refugees to move on from Malta––despite obeying by the authorities' rules––non-deportable refugees find themselves forced to take these actions. The Maltese Asylum Status Agent, however, justified the restrictions on mobility by referring to the lack of cooperation of refugees to tell the truth about their origin and motifs of migration, claiming that most of the rejected asylum seekers would be legally able to go back to their country of origin, but do not want to do so:

> I can challenge all of them, because no one of them can prove to me that he tried to go back to his country but he did not manage to get the travel documents to go (...) All of them know where they are from (...) They contact their embassy ... [and] they can do it easily because they know the whole truth (Maltese Asylum Status Agent, 22 April 2016).

Because of the rigid refugee definition, several reasons for forced migration are not recognized. "Leaving your country because of extreme poverty is not serious enough (…) They are stigmatized as 'economic migrants'" (Founder of a national NGO in Malta, 21 July 2015), counteracts the Maltese Asylum Status Agent's statement. Besides student visas, seasonal work visas with small quotas, family reunification, and marriage, asylum is still the only possibility to regularize the legal status.

Phenomena of (im)mobilities beyond the island

After successful travel from Malta to another EU-state, some refugees repeatedly apply for asylum in the country of their arrival. If authorities find their fingerprints in the database of EURODAC, they risk being sent back to Malta due to the Dublin Regulation. Nevertheless, sometimes their application is successful because "If they find you have the fingerprints somewhere, they start to process Dublin. (...) But from Italy they don't send back, because that actually is very complicated" (Representative of a national NGO in Italy, 16 August 2016). However, Italian authorities must follow the decision of Maltese authorities. For instance, when Buba wanted to apply for asylum in Italy, where the chances to be granted asylum seemed to be better than in Malta, he had to rely on Malta's consent. When Sarah met Buba, Emily and their baby in Brindisi, a town in Southern Italy, Buba was still waiting for an answer if Malta wants him back, but anyway he was happy to be in Italy even though Malta's response is long in coming. As Emily pointed out, "We heard from cases where people weren't getting a response from Malta for a year. Without their 'go', no asylum procedure can be started here."

While in Malta, stories were told about reaching Europe's mainland and how things would be easier and better there. However, upon arriving in Italy, Buba encountered more bureaucracy and uncertainty. In the beginning, finding an apartment was very difficult due to not having any documents. Eventually, Buba found an apartment in the outskirts of Brindisi for his family through an encounter with an Ethiopian lady. The apartment was dirty and sticky and at night it was loud. Not the perfect environment for a small baby. The housing complex existed of approximately 60 living units where mainly Africans resided. The landlord charged Buba nearly 400 Euro for his place.

In order not to risk his asylum procedure, Buba decided not to work informally like many refugees in Brindisi do. Buba heard a lot of stories were people found themselves with serious problems due to their undocumented situation. Somebody he knew had a work accident where he broke his fingers. The employer did not feel responsible since the person had no documents. Moreover, in order to not lose the day's pay or the job, refugees work despite being in a poor physical and/or mental condition.

> They are very exploited by the work they are doing. Their diseases are related … to living conditions (...) [and] muscular diseases, if they work a lot and they work up to the end to don't lose the working day (Program Director of an international health related NGO in Italy, 18 August 2016).

According to the law, refugees without documents also qualify for free medical assistance. However, access is hampered by bureaucracy, following costs, as well as the fear of affected refugees to be detected by authorities.

> If you don't have a permit to stay, you can have medical assistance as well. It's granted. But there is a path to be fulfilled, but by law you have to have your medical assistance. (…) And then the reality is different (Program Director of an international health related NGO in Italy, 18 August 2016).

Additionally, Buba faced challenges even if a doctor could be consulted. If he received a prescription from a doctor, he still had to pay for medicine in the pharmacy. This led to the fact, that medicine was only affordable, when refugees had a job. Buba earned money through small trades. Besides, refugees offered different kinds of services following the attitude 'One-hand-washes-the-other': tailoring, hair dressing, interpreting etc. Sarah accompanied Buba and Emily to a nearby park where some refugees met every now and then. Meeting each other at this place released them from stress by sharing their stories and helping each other. Some could speak Italian and could support one at a lawyer's office or with public authorities.

In contrast to Buba, Suma first lived on the streets after his arrival in Catania, Sicily. Suma then moved to Rome where he stayed in a camp. People he knew helped him to enter the camp. Suma then applied for asylum. As he had no money to afford a lawyer he decided by himself to apply as a Gambian, having in mind, that his former application in Malta as a Senegalese had been rejected. As the burden of proof is shifted to the refugees, sometimes people rewrite their stories in order to fit into the definition of political persecution. This has led to the development of an exceptionally creative service sector: "Former refugees function as 'storytellers' by offering their knowledge to new arrivals. Many have to tell a story, because when they play under the rules they won't be successful, no matter how desperate their situation is", Emily summarized.

Whereas Buba received a five-year residence permit and migrated with his family to another European country, the Italian court rejected Suma's appeal. He left Italy in order to "try his luck" in Germany. Ebrima, on the other hand, decided to live under the radar in his uncle's house in Spain. He did not want to apply for asylum again,

because he was afraid of being deported to Malta. After years without his family, Ebrima enjoyed living with part of his family again.

Discussion and conclusion: limbo as normality?

Non-deportable refugees experience the island-state of Malta as a closed and confining space despite its transnational involvement. However, the metaphors of "prison", "being stuck" and "limbo" refer less to the geography of the island than to the atmosphere and social environment experienced by refugees on their arrival, and even years later, as well as beyond the island-state. Being in limbo is therefore not just a circumstance due to legal, structural factors, but also an experience-based matter. Even if some refugees were able to gain access to certain rights or even, as in the case of Buba, could obtain a temporary residence status, they are still exposed to unequal power relations. Due to continuous restrictions and deprivation of their social and physical mobilities, refugees find themselves in social arrangements, which are created under the dual authority of the Maltese and EUropean border regimes. As legalization is not provided even after a certain number of years of irregular residence in Malta, non-deportable refugees remain in a permanent state of uncertainty with consequences beyond labor participation and access to social services.

However, the consequences of non-deportability are not only the product of the island-state, but also the consequence of Malta's transnational embedding in the EUropean border regime. As there are no regulated options to leave Malta and to immigrate to another EU country, it is hardly surprising that many refugees try to leave Malta independently and count on a reapplication of asylum in a follow migration country as well as rewrite their stories of asylum in order to fit into the definition of political persecution and to bypass the Dublin Regulation.

The empirical data has shown that seemingly opposing actors (state vs. civil society, refugees vs. border guards) act in a continuum of practices in a transinsular space. Thereby, networking is of crucial importance in refugees' mobility processes. Other actors such as other refugees, co-travelers, staff members, institutions, lawyers, and escape agents belong to this social network. The roles of the respective actors are context-dependent and the different degrees of social and physical mobility are dependent on the practices of all involved migration actors, as well as on certain moments and encounters that allow social negotiation between them. Nevertheless, the negotiations on the right to stay and/or freedom of movement have to be thought relationally. Whether refugees' endeavors and negotiations to appropriate mobility are successful are contingent on the asymmetrical relationships between the actors, on temporalities, luck, as well as the motives and efforts of persons they contact or are confronted with (see also Schapendonk, 2018, p. 13).

Against the backdrop of the empirical cases, both resistant and conciliatory practices of mobility appropriation can be identified, assuming a fluid, interdependent transition. Both forms require sufficient knowledge and contacts about and in the system. It is important to distinguish between mobility appropriations that were sought and applied because those affected wanted it or because the needed it (Hoffmann & Otto, 2019).

Practices of resistance manifest themselves through the use of loopholes in the system and recoding of control mechanisms as well as rewriting of asylum narratives. Thus, Blaze and Jessica were early released from the detention center through pregnancy. Buba and Suma appropriate mobility by relying on the freedom of movement of

the Schengen Agreement and Ebrima by complicity with the authorities using a passport of a co-national (Scheel, 2015, p. 10). Further, in the follow migration country, Suma tried to obtain a protection status by stating another citizenship.

In contrast to these practices of resistance, practices of conciliation are also emerging. Within the detention center, Ebrima and Buba tried to make their life more human through swapping goods with the staff and other detained refugees or leaving the detention center to perform interpreting services. This opened up the possibility––among refugees as well as between refugees and staff of Detention Services—to make use of one another by forming exchange alliances. Further, this example shows how refugees try to make sense of themselves and the environment in which they have been thrown into. Similar exchange alliances could also be observed outside the detention center as shown with exchange of services (e.g. haircut vs. translation assistance) and co-operations with various actors. Ebrima and Buba offered their support to governing actors in order to profit later from potential benefits, which turned out to be a mistake.

The appropriation of mobility is not only seen as reactive, but above all as active behavior in the form of a "lived practice of self-empowerment" (Scheel, 2015, p. 11). Nevertheless, despite successful follow up migration, social mobility remains contested. While Buba was able to break the cycle of the permanent in-between after a few years, Suma and Ebrima remained in a deregulated state of limbo also beyond the island-state.

The article has highlighted the productivity of ongoing negotiations and struggles on mobility as well as the impact on refugees' agency. By constantly adapting their practices to changing social conditions, these conditions are also modified by different actors. While they are integrated into the EU and Maltese asylum bureaucracy, they are officially deprived of rights and separated from any support services. Making refugees live in limbo seems to become 'normality', even if affected persons always find ways to navigate a life in between.

This article offered findings as well as interpretations from bottom up and was complemented by auto-ethnographical elements. Sharing the privilege of interpretation with those who are affected by what is researched allows both comprehension *and* intervening into migrant realities. Where many studies only focus on enhancing knowledge on migration, critical reflexivity can facilitate an ethnological research that also intellectually intervenes into power relations within the knowledge field of forced migration. By opposing a reflexive perspective, current policies can be deconstructed, which could help changing the conditions of refugees' realities towards social justice.

Endnotes

[1]A notice of rejection (along with a *deportation order*) is issued to asylum seekers, who are not entitled to any form of protection.

[2]All names of interviewees in this article have been anonymized to protect the persons. Despite their consent, we have decided to also anonymize the institutions as much as possible without rendering their function unrecognizable.

[3]The use of the term "refugee" is not equivalent with the legal definition. It refers to the experience, the process and the involuntariness of the migrated individual.

[4]Following Collyer, Hinger, and Schweitzer (2019, p. 8) 'integration' is understood as "a set of normative assumptions, practices, policies and discourses that are always embedded in specific contexts and directed at particular groups or categories of people."

[5]When necessary the term "unregulated" is used instead of "irregular", "illegal" or "undocumented", in order to first, avoid criminalization of forced migration. The term "undocumented" is also problematic, as it can mean either refugees who have been documented or refugees without documents. In Malta, an individual is documented upon applying for asylum. Also in case of an infeasible deportation rejected asylum seekers are registered with the Immigration Police.

[6]The terms "rejected asylum seekers" and "non-deportable refugees" are used interchangeably in this article. They refer to persons whose deportation is not possible due to logistical difficulties and other legal or practical obstacles. Although there is a risk of deportation, rejected asylum seekers presented in this study are referred as "non-deportable" rather than "not deported" because the failure to implement a refugee's deportation appears as a permanent condition (see "permanent temporariness" in Menjívar, 2006).

[7]In November 2018 the Ministry for Home Affairs and National Security and the Parliamentary Secretariat for Reforms, Citizenship and Simplification of Administrative Processes launched the *Specific Residence Authorisation policy*. A two-year renewable residence permit will be accessible by non-deportable refugees who have shown integration efforts during their stay in Malta.

[8]We follow the understanding of Scheel (2015), who uses this term to describe a "recoding" of migration-controlling instruments. Practices of appropriation are based on simulating rules and norms, then secretly breaking them, instead of openly challenging the formal and informal rules of the border regime.

[9]Mobility and immobility are not thought of in binary terms, but are intertwined, in that the logic of one is always present in the other. This relationship is both explicit and implicit, but always present in the life of non-deportable refugees. We use the term (im)mobilities to describe this interdependence (see also Collyer, Hinger, & Schweitzer, 2019, p. 9 for (dis)integration).

[10]We assume the "coexistence of several regimes" (Tsianos & Kasparek, 2015, p. 12), which may also lead to overlapping of various regimes whose relationships can take different forms (Ruloff, 1999, p. 32): in the present case, the border and deportation regime are acting together.

[11]In accordance with Stierl (2016) the spelling EUrope is used to counter the equation between Europe and the EU and not to reduce the EUropean project to the institutions of the EU.

[12]In terms of ideas, the concept originated from Italian Workerism and was originally based on the French economic theorist Moulier Boutang (1993), who founded the concept of the autonomy of migration.

[13]Since January 1, 2016 the initial reception procedure has been reformed and the maximum length of detention has been reduced to 9 months (Ministry for Home Affairs and National Security [MHAS], 2016, p. 7).

[14]If reference is made to De Genova's concept of "deportability" in this article, we use the term "(non-)deportability", since in the case of Malta deportability is only psychological (see also footnote 6).

[15]All references that are originally not in English were translated by the authors.

[16]An asylum seeker whose claim has been rejected may lodge an appeal to the Civil Court. In case the appeal is also rejected, this is commonly known as holding a "double reject."

[17]This "permit to work" differs from the "work permit". It is a license pending deportation, which does not regularize refugees' legal status. The employer has to apply in the name of the employee and has to renew the permit every 3 months.

Abbreviation
NGO: Non-governmental organisation

Availability of data and materials
Where applicable, we provide the source of our data; the names of all research partners and interviewees are changed. The datasets generated for this study are not publicly available in order to protect the research participants.

Authors' contributions
SN carried out the research and the analysis of the study. She drafted the manuscript; BS was involved in revising the manuscript throughout the writing process. Both authors read and approved the final manuscript.

Authors' information
Sarah Nimführ is a Cultural Anthropologist and currently a DOC-Fellow of the Austrian Academy of Sciences at the Institute of European Ethnology at the University of Vienna. During her PhD studies she conducted field research on the impact of non-deportability on rejected asylum seekers, particularly in the Mediterranean area. Her research ranges at the intersection between science and engagement. Sarah has worked and published together with (refugee) research partners several times in order to practice a collaborative approach towards knowledge production. Since 2016, she regularly holds courses comprising ethics and methods in the field of flight, engaged anthropology as well as forced migration studies with a focus on Mediterranean islands at the Universities of Vienna, Bremen and Munich. Previously, Sarah worked as a researcher in a trilateral project on protest movements in asylum and deportation at the Institute of Political Science at the University of Vienna. Moreover, she also worked and volunteered with a number of NGOs in the area of family reunification, social inclusion, educational counselling and advocacy in Austria, Germany and Australia.
Buba Sesay was born in Sierra Leone but had to flee at an early age because of the civil war. He eventually ended up in The Gambia. Due to different circumstances in The Gambia, Buba was forced to flee to Europe, where he has lived since 2013. After having experienced a lot of struggles personally, he knows how important it is to convince young people not to undertake the journey he went through. This is only possible by offering them alternatives in their own country. With the prize money of the Rinus Penninx Best Paper Award Buba and his wife have founded the *Education Gives Hope Foundation*. Through education the organisation focuses on improving the standard of living of children and young people in the Bo region of Sierra Leone. With the support of volunteer work and donations, the Education gives Hope Foundation has already been able to build a school, where about fifty students are being taught by volunteer teachers. Buba is now focusing on raising funds to establish electricity, running water and sanitation for his school. At the time of submitting this article, the legal status of Buba was still uncertain. In order not to jeopardize his status, he chose a pseudonym that corresponds to the African variant of his name. Not having the free choice to appear in public for fear of reprisals shows the unequal balance of power in the border regime.

Competing interests
The authors declare that they have no competing interests.

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