Return Policies and Everyday Resistance: An Exploration of Nigerian Migrants' Experiences in Austria

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Abstract

This article delves into the nuances of resistance among Nigerian migrants in Austria, situated within the larger framework of European migration. Against the backdrop of the stringent migration regulations implemented in Austria during the 2015 long summer of migration and amplified during the COVID-19 pandemic, this study aims to provide a deeper exploration of the political sociology of return. Drawing on semi-structured interviews conducted with 18 Nigerian migrants, I examine the perspectives of migrants and their interpretations of voluntary and forced return policies and implementation, shedding light on their motivations, strategies, and decision-making processes. Additionally, the paper incorporates 15 interviews with government officials, non-governmental organisations, and activists to explore the implementation of return policy. Using the framework of everyday resistance by Johansson and Vinthagen (2019), this study uncovers the nuanced ways in which Nigerian migrants in Austria navigate the pressures of returning to their home countries. This analysis is especially significant because of Nigeria's prominence as a major origin country for migrants in Europe. It provides valuable insights into the broader European migration context and contributes to a better understanding of resistance within return migration processes. These acts manifest in various forms in everyday life, challenging the execution of asylum and return policies in specific physical locations, such as workplaces, cities, and streets, highlighting the complex subtleties of resistance in the context of return migration management.

Keywords: Nigeria, return and reintegration, resistance studies

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Introduction

The European continent is grappling with a notable surge in the influx of refugees and migrants, prompting various nations to implement stringent measures to address this complex and multi-layered issue. Over the past decade, numerous European countries, including Austria, have adopted a series of rigorous policies, particularly in response to the 2015 long summer of migration and subsequent challenges posed by the COVID-19 pandemic (Ataç/Schütze 2020). These policy advancements have had a substantial impact on the decision-making processes of migrants, particularly regarding their choices to return to their countries of origin. Especially the increasing incidence of asylum rejections and noticeable policy variations within Austria play a role for these decisions (Rosenberger/Koppes 2018). Considering these developments, migrants are confronted with certain choices. Some opt to accept assisted voluntary return (AVR) programmes offered by European governments that provide payments as incentives to return to their country of origin (Black, Collyer and Somerville 2011). Alternatively, certain migrants may choose to stay in Austria with the aim of either regularising their legal status or continuing to stay in an irregular situation. Others may feel compelled to move onward to another destination (Ahrens 2022).[2]

Numerous studies have illuminated the resilience and determination exhibited by asylum seekers or migrants whose applications have been denied. These studies emphasised the interplay between structural influences and the agency of these migrants (Kox, Boone, and Staring 2020; Kuschminder and Dubow 2023; Van Houte et al. 2021). Nonetheless, the personal experiences of these individuals before the return to their native countries are relatively unexplored.

The primary objective of this paper is to dissect and shed light on these multi-layered dynamics, offering valuable insights into the various factors that influence the choices made by migrants in the European context. This article seeks to contribute to the field of political sociology by exploring the personal experiences of asylum seekers and migrants who were denied entry or asylum in their host countries (Hagan/Wassink 2020). A particular focus is put on Austria's policy goal of augmenting the number of migrants returning to their respective countries of origin.

Migrants' desire to achieve long-term benefits often leads them to accept short-term risks, profoundly shaping their choices. This perspective provides deeper insight into the strengths and weaknesses of migration policies (Hagen-Zanker/Mallett 2020). The article underlines the need to consider migrants' actions in policy formulation and to empathetically address the experiences of marginalised groups. The aim is to enhance the vision of European return migration and reveal migrants' strategies to challenge the pressure to return.

Migration decisions are complex, considering factors such as life stage, duration of stay, legal status, financial situation, caregiving responsibilities, political stability, and social networks (Ahrens 2022). In Europe, enforcing return policies for irregular migrants has documented challenges at the policy level, including resistance, self-injury, absconding, multiple asylum applications, cooperation issues, document acquisition, organisational obstacles, and medical concerns (EMN 2016). Considering these challenges, many migrants may choose not to

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[2] The term migrant is used on purpose, as refugees are migrants too and conversely migrants can become refugees on their journeys to Europe (see for example Carling 2023).

return (Hernández-Carretero 2017). Migrants' perspectives are often overshadowed by policy priorities, and their responses to government-issued return decisions are shaped by personal commitments and contextual factors (Odermatt 2021).

Resistance to return is not always overtly political; it can manifest in subtle, everyday acts that challenge power asymmetries and policies (Johansson/Vinthagen 2019). Understanding the perspective of migrants is essential to comprehend the motivations and dynamics that drive them to refuse to return to their home countries. This perspective raises several important questions: What strategies and resources do migrants use when making decisions about their return? How do some migrants resist and oppose certain aspects of the implementation of asylum and return policies in Austria through their everyday actions?

My research on resistance to return within the Nigerian migrant community in Austria employs Johansson and Vinthagen's (2019) theoretical framework on everyday resistance. This framework examines the dimensions of repertoire, time, space, and relationships allowing for a thorough investigation of the strategies and resources used by individuals when deciding whether to return. Additionally, it reveals how certain individuals engage in everyday acts of opposition to aspects of asylum and return policies in Austria. Through this analysis, I aim to illuminate the connection between decision-making and resistance, emphasising the significant roles that migrants play in both AVR and forced return policies.[3]

Nigerian migration is relevant in the broader context of European migration. According to a recent report by the International Organisation for Migration (IOM), between 2017 and 2022, most irregular migrants from West and Central Africa arriving in Europe primarily originated from Guinea, Côte d'Ivoire, Nigeria, and Mali, collectively constituting over 52% of the total. This underscores Nigeria's significant position as a major source country for migrants to seek better prospects and opportunities beyond their homeland. Applying the concept of everyday resistance to migrants offers a unique perspective and new insights into the complexities of choices, and the role of individuals in shaping return policies.

The article begins by examining the existing literature, that deals with the concept of return and everyday resistance from the perspective of migrants. It proceeds to offer an overview of Austrian migration management policies on return and asylum, with a particular focus on data concerning Nigerian asylum seekers and migrants in Austria. The following segment outlines the research methodology, followed by the presentation of analysis and findings that stem from qualitative interviews conducted with migrants and other relevant actors. The discussion then explores the practices and implementation of return policies and their impact on the lives of asylum seekers in Austria, along with a detailed exploration of resistance. The research aims to contribute to improved policymaking and practice, providing deeper insights into the vulnerable situations faced by migrants and their intentions to return to their native countries.

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[3] Voluntariness is highly contested. I will not focus on this as it has already been conceptualised elsewhere (see Schweitzer, Humphris and Monforte 2022).

Theorising return and everyday resistance

Migrants navigating the complex realm of choices experience a multi-faceted journey, intertwined with subjective, emotional, cognitive, and behavioural aspects (Koikkalainen/Kyle 2016). Often, these individuals grapple with incomplete knowledge, interpret policies subjectively, or absorb only partial information regarding the process (Hagen-Zanker/Mallet 2020). At the macro level, numerous factors influence migrants' decisions to return to their country of origin. These factors encompass demographic characteristics, labour market experiences, and broader macro-economic conditions. At the micro level, the individual characteristics need to be considered. The divergence between those who plan to return, and those who do not, underscores significant differences within the population in terms of labour market behaviour, skill development, consumption habits, acculturation, sense of belonging, and national identity. This decision-making process is not an isolated event, but an ongoing process tightly linked to individuals' desires for change and aspirations for a better future.

Return migration is not a monolithic phenomenon but consists of diverse stages and intentions. Early scholars, such as Bovenkerk (1974), laid the foundation for categorising individuals based on the intended duration of their stay and their return intentions. Building on this groundwork, King (2000) further delineated return migration into four distinct types, emphasising the significance of the intentions and trajectory of the return journey.

Cassarino (2014) approached the topic from the perspective of returnee preparedness, stressing the importance of voluntary desire and the capacity to return safely and permanently. Preparedness hinges on various factors, such as skills, knowledge, resourcefulness, and the support they receive in their home country. Even when legal requirements mandate their departure, migrants may display varying levels of willingness or resistance to return, as exemplified by Sinnige, van Houte and Leerkes (2022).

In circumstances where persons are legally obliged to leave their host country, some individuals may oppose returning by employing strategies within the domain of everyday resistance, such as choosing to remain in their host nation, absconding, or traveling clandestinely. This resistance operates in line with Foucault's relational power perspective, encapsulated in his assertion that "where there is power, there is resistance" (Foucault 1998: 75). Power asymmetries manifest among various political actors, including governments, courts, and non-governmental organisations (NGOs). At the micro level, individuals play a pivotal role in navigating and challenging specific policies through strategies of circumvention and resistance (Faist 2019: 2). These strategies encompass an array of informal, unorganised actions, aiming at negotiating and challenging the constraints imposed by their migration status. Analysing everyday resistance, Johansson and Vinthagen (2019) introduce four analytical dimensions, including repertoires of everyday resistance, their relations to agents' social networks, spatiality, and temporality.

The repertoire of everyday resistance is shaped by power dynamics and captures the nature of resistance in relation to power. The concept of repertoire is a suggestive metaphor rather than a precise analytical tool (Johansson and Vinthagen 2016; and Tilly as cited in Traugott 1995: 3). Johansson and Vinthagen (2019) further developed this concept, by referring to the repertoire of resistance, that enables the connection between power configurations. This flexible

interpretation directly links historical power configurations and culturally acquired repertoires, transcending limitations associated with state power and other concepts such as sovereignty, discipline, and biopower.

Agents in this context refer to individuals or groups responsible for carrying out resistance actions and their complex relationships with those in power. In Chin and Mittelman's (1997) analytical framework, agents are one of five fundamental categories, seemingly conceptualised as autonomous units, whether individual or collective. However, it is important to recognise that the concept of an agent is a socially constructed identity that exists within plural, complex, contextual, and situational relationships, rather than singular or fixed, as in the traditional peasant/landowner relationship described by Scott (Johansson/Vinthagen 2016, 2019).

Spatiality plays a significant role, with everyday resistance situated within specific locations, influenced by various factors such as politico-legal, socio-cultural, and socio-economic conditions. Space is a fundamental element in the exercise of power and in shaping disciplinary power structures. Throughout Foucault's (1980) work, the interconnectedness of knowledge, power, and space emerges as a recurring theme. For example, the concept of panopticism illustrates how disciplinary power is intricately linked to spatial arrangement and control, as discipline originates from spatial division, establishing enclosed territories of order and control (Foucault 1991).

Temporality is also integral to everyday resistance, as it is practiced in and through time, and is deeply linked to power dynamics. Control of time and space is crucial for the exercise of power, as demonstrated by Foucault's (1980, 1991) work. Time and space control play vital roles in disciplinary power structures.

The Austrian asylum and return system

Refugee and immigration policies continue to ignite fervent debates in Austrian media and politics, significantly shaping legislative processes (Ataç 2019; Ataç/Rosenberger 2019). The extended 2015 summer of migration intensified discussions on security concerns, foreign infiltration, and social benefit misuse by foreigners (Rosenberger/Müller 2020).

Austria's return system, including both forced and voluntary returns was established through the adoption of the 2008/115/EC Return Directive via the 2011 Aliens Law Amendment Act, following standardised procedures for repatriating irregularly residing third-country nationals within EU Member States (EMN 2016). This system relies on a collaborative framework involving the Ministry of Interior (MoI), IOM, and NGO partners, each with distinct roles. The MoI and the Federal Agency for Immigration and Asylum (BFA) are responsible for issuing and enforcing return decisions, while federal and provincial authorities share duties and financial responsibilities toward the well-being of rejected asylum seekers (Rosenberger/Koppes 2018).

In 2020, a significant institutional change occurred in the return procedure as the responsibility for return counselling and AVR transitioned to a new state-owned agency, the Federal

Agency for Care and Support Services (BBU GmbH).[4] This agency oversees reception, legal assistance, return support, deportation monitoring, and provides interpreters and translators during the asylum process. It puts a focus on improving reception efficiency, offering independent legal aid to asylum seekers, and facilitating voluntary returns through effective counselling (AIDA 2020).

Before 2020, return counselling and AVR assistance had been provided by two mandated NGOs Caritas and Verein Menschenrechte in cooperation with the IOM. This shift to a government-owned agency faced criticism from civil society, mainly due to the provision of both legal and return counselling services by an entity funded by the Federal Republic.[5] Concerns were raised regarding the new agency's structural independence, impartiality, and potential conflicts of interest, as it falls under the supervision of the MoI, which is also the determining authority for asylum. Furthermore, some NGOs criticised the quality of advice provided, citing advisors' limited time, a lack of understanding of migrants' perspectives, and a general mistrust among asylum seekers, given the close association of the agency with the BFA and the government (AIDA 2020, 2022).

In addition to free legal advice provided by the state, NGOs such as Diakonie and Caritas (among others) continue to help asylum seekers find accommodation, assist with legal written statements, and appeals or accompany them to personal hearings at the Federal Administrative Courts. On some occasions, they also act as legal representatives. However, NGOs do not possess the authority to represent asylum seekers in front of the Constitutional Court or the Administrative High Court. Only attorneys-at-law are eligible to undertake this representation. (AIDA 2022).

In accordance with EU legislation, Austria is attempting to increase voluntary returns as a cost-effective and dignified alternative to forced removals. This can only be achieved through the nationwide, flexible, and uniform provision of high-quality return counselling, as envisaged by the new BBU with the objective of increasing and streamlining return counselling (AIDA 2022).[6]

Due to legislative changes, a return counselling session is mandatory for[7]: a) third-country nationals who are unlawfully staying in Austria and have received return decisions, even if they are not yet final; b) third-country nationals who are lawfully staying in Austria and have received enforceable or final return decisions; c) asylum seekers who have been issued notifications of intended rejection or dismissal of their application for international protection, or intended revocation of de facto protection against removal during admission procedures[8]; and d) asylum seekers against whom return decisions have been issued which are enforceable or final (EASO 2021). In these cases, a mandatory return counselling letter is issued requiring applicants

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[4] Art. 2 para 3 Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

[5] Both Caritas and Diakonie were vocal on this and submitted various statements (e.g. https://www.diakonie.at/news-stories/pressemitteilung/archiv-doe/rechtsberatung-im-asylverfahren-diakonie-sieht-zugang-zu-fairen-verfahren-gefaehr-det).

[6] Information provided by the Ministry of Interior (MoI) in 2020 as well as parliamentary materials available at www.ris.bka.gv.at.

[7] Art. 52a para 2 of the Federal Office for Immigration and Asylum Procedures Act.

[8] Art. 29 para 3 subpara 4 to 6 Asylum Act 2005.

to contact the BBU. If voluntary return is not chosen, the BFA may mandate accommodation in return centres, located in Tyrol's mountains, near Vienna Airport, and in an isolated Upper Austrian village, where rejected asylum seekers receive basic care. Refusal of such accommodation can result in the loss of basic care entitlement and an increased risk of detention in a deportation centre. Currently, the centres are operational at Vienna Airport and in Fieberbrunn (Tyrol), both managed by the MoI (AIDA 2022).

In Austria, the IOM collaborates with Nigeria on AVR projects, offering financial and vocational support to aid the voluntary return and reintegration of Nigerian migrants. The focus lies on assisting asylum seekers, recognised refugees, subsidiary protection holders, and those who are no longer in compliance with the legal requirements of their immigration status. The approach is participatory, tailoring reintegration measures to individual needs (IOM 2023). Policies on financial incentives and return counselling may have an impact on choices regarding whether to return home. Some may feel compelled to return due to restricted access to legal employment or limited social benefits available to irregular residents. Others may choose AVR programmes offered by European governments that provide financial support to return to their country of origin.

Overview of Nigerian asylum seekers and migrants in Austria

Nigeria faces challenges such as extreme poverty, illiteracy, terrorism, and governance issues that impact both legal and irregular migration to Europe and North America (Abumere and Sanni 2022). Regions such as the Sahel and Lake Chad contributed to irregular migration to Europe, with 18,260 Nigerians entering Europe in 2017. Although this number doubled in 2022, it remained below the 2019 peak of 42,800.[9]

Since 2012, Nigeria has been one of the top five priority nations in the EU's Migration Partnership Framework, playing a critical role in the EU´s migration governance partnership (Arhin-Sam 2019). However, readmission negotiations have been stalled because of differing interests. The EU continues to focus on addressing irregular migration and expediting returns, whereas Nigeria emphasises establishing legal migration pathways and connecting with the diaspora. Nigerian authorities prioritise local solutions before considering returns, while EU countries lean towards immediate returns for irregular migrants (Olakpe 2022).

In Austria, a 2020 parliamentary enquiry revealed that 24,792 asylum applications were submitted by African nationals between 2015 and 2020.[10] It should be noted that since June 2020 an accelerated procedure was introduced. This new asylum assessment procedure has a target duration of 72 hours, in the first instance, for nationals from so-called "safe countries of origin" as well as from countries "with little to no likelihood of recognition being granted". Graph 1 shows the top five African countries with the highest numbers of asylum seekers. Between 2015 and 2020, there were a total of 17,138 African nationals whose asylum applications were rejected with legally binding effect. Among the top five African countries, Graph 1 also illustrates the rejection rates in percentage, with Nigeria having the highest rejection rates.

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[9] Calculations based on Frontex Monthly Detections of IBC Data: https://frontex.europa.eu/we-know/migratory-map/.
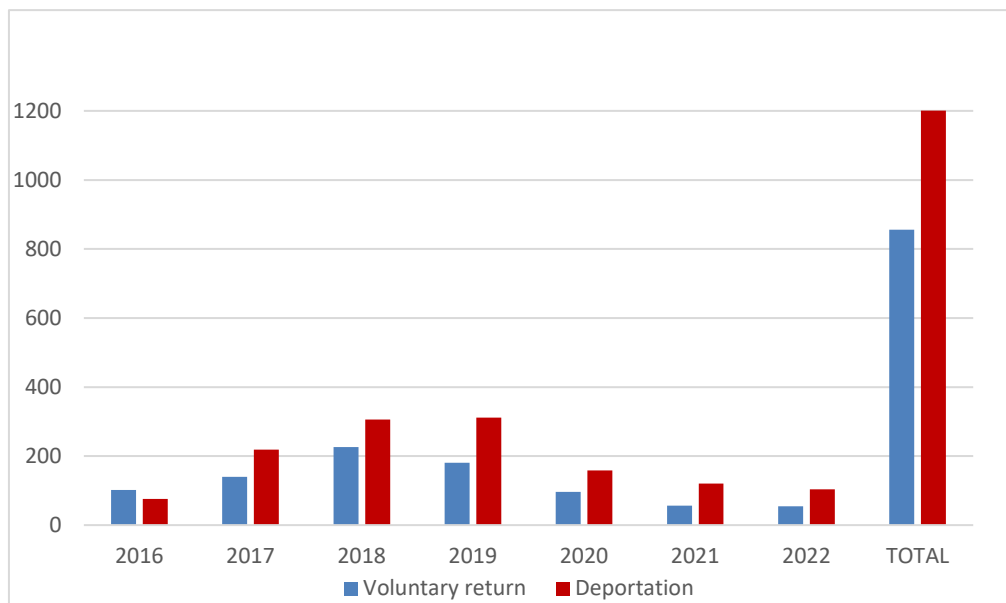
[10] See enquiry at https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB_06488/index.shtml.

Figure 1: Asylum seekers from African countries by country and rejection rates in the first instance of the asylum procedure from African countries (2015-2020)[11]
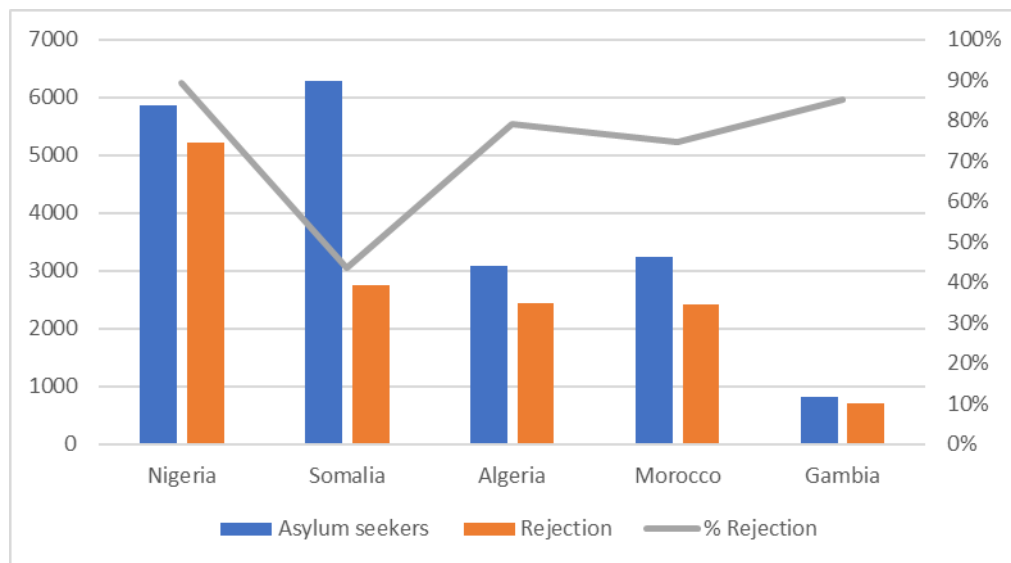
Additional data on both voluntary and enforced returns for Nigerian asylum seekers are presented below. Due to the COVID-19 travel restrictions in 2020, there was a significant decrease in returns. However, data from the Ministry of Interior show that both voluntary and deportation measures continued.

Figure 2: Voluntary and forced returns of Nigerian migrants in Austria (2016-2022)[12]

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[11] Data based on a written parliamentary inquiry concerning increasing migration from Africa which can be found at https://www.parlament.gv.at/dokument/XXVII/AB/6488/imfname_987604.pdf

[12] Compilation of data from parliamentary inquiries concerning migration from Africa https://www.parlament.gv.at/dokument/XXVII/AB/6488/imfname_987604.pdf and data from IOM Austria https://austria.iom.int/avrr-statistics.

The figures concerning voluntary returns and negative asylum decisions among Nigerian migrants provide insights into the prevalence and patterns of return migration within this population. Considering the total number of voluntary returns (745 from 2016 to 2020) and the overall number of first negative asylum pronouncements (4551 from 2016 to 2020), we can infer that the proportion of Nigerians opting for voluntary returns is relatively low, constituting only 16% of the total.

This is noteworthy, particularly when considering the introduction of mandatory return counselling for irregular migrants receiving their first negative asylum decision. Individuals in this category are considered the main target group for voluntary return programmes. However, despite the provision of this service, the uptake of voluntary return among Nigerians remains limited. The low proportion of voluntary returns in comparison to the total number of negative asylum decisions suggests that factors beyond the availability of counselling may influence their decision.

In Austria, Nigeria is an African country to which most people are being deported. A total of 1070 people were deported between 2016 to 2020. It is also the only African country where regular charter flights are organised from the European side. Algeria (327) and Morocco (256) follow with a significant margin. In the last 5 years, fewer than 100 people have been deported to other countries.[13]

Methods and data

This study is based on compiled data from different sources and provides comprehensive views into the regulations, policies, practices, and experiences of AVRs in Austria. The section on regulation and politics is based on a document analysis of legislative and policy documents, which consist of legislative documents of relevant acts of international, supranational, national or (in federative states) subnational law. Policy documents include position papers, resolution proposals, and all other forms of written political intervention in debates on returns, both voluntary and forced. When available, the analysis was supplemented with public statistical data.

The primary empirical data consisted of 18 semi-structured interviews with Nigerian migrants in different locations within Austria conducted between March 2021 and December 2022. All participants were first-generation migrants currently living in various parts of Austria, mostly recruited through visits to Nigerian-led churches, businesses, community organisations and related events. The interviewees were categorised into two main groups: potential returnees[14] and migrants with long-term residence permits or Austrian citizenship. Of the eighteen respondents, thirteen held asylum seeker status, and four men and one woman had more secure legal status, including Austrian citizenship for two males. The primary focus of the analysis was on potential returnees, with the remaining interviews used for comparison, particularly as four males were employed by NGOs and represented the more established diaspora groups. It is important to note that the asylum application process may have led to instances of irregular

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[13] Data based on a parliamentary enquiry concerning increasing migration from Africa https://www.parlament.gv.at/dokument/XXVII/AB/6488/imfname_987604.pdf

[14] The term potential returnees refers to anyone who might be subject to a return order (and since 2021 subject to an obligation to attend return counselling) under Austrian laws and regulations.

status for some migrants at different times, as transitions between regular and irregular statuses are common (Kraler/Hollomey 2016). Furthermore, Austrian law separately governs asylum and migration, each with distinct bureaucratic requirements.

Semi-structured interviews were conducted to examine the lived experiences and migration aspirations of the Nigerian respondents. They were questioned about their backgrounds in Nigeria, the decision-making processes leading to migration, and their views on returning to Nigeria. Their housing, family, and work situations, along with their current aspirations, were discussed. Most respondents had sought asylum in Austria during the 1990s or more recently at times overstaying valid visas (Black/Gent 2006). Yet, one arrived through family reunification, and during the 2015 long summer of migration some transited through other countries such as Libya and northern Africa (Crawley, Düvell, Jones, McMahon, and Sigona 2016), with several irregular migrants returning to Nigeria through IOM programmes (IOM 2022b). The interviews explored the experiences of potential returnees before any possible return, their intentions in this regard, their involvement in return counselling, and their engagement with AVR programmes.[15]

The sample included individuals between the ages of 18 to late 60s. The thirteen potential returnees were either unemployed or engaged in informal occupations, such as selling street newspapers, working in gastronomy, or construction. These interviewees brought diverse educational, cultural, and social backgrounds to the table, with some lacking formal education or holding positions suitable for their qualifications in Austria. Financial hardships were a shared experience, with several relying on public food assistance and engaging in activities such as collecting donations or selling street newspapers to meet their financial ends. Their length of stay varied significantly, with some having resided for over 20 years, primarily those who had obtained Austrian citizenship or long-term residency, whereas others, such as asylum seekers, arrived as recently as 2019. These distinct migration journeys were driven by a range of factors, including job prospects, economic hardships in Nigeria, and the political instability and security concerns, all of which exerted substantial influence on their decision-making processes. Acknowledging interview limitations is crucial, as participants' reluctance to return to Nigeria contrasts with evidence of some individuals opting for return through AVR programmes or deportation, reflecting the complexity of the situation.

In addition to the migrant respondents, a total of fifteen semi-structured interviews were conducted with a diverse array of individuals. This group included government officials responsible for shaping return policies (MoI), NGOs such as Caritas and Deserteurs-Flüchtlingsberatung, activists, legal experts, representatives from IOM, and members of networks within the diaspora. Ambrosini and Boccagni (2015) have stressed the pivotal role that NGOs play as intermediaries, facilitating the provision of services between local authorities and migrants. This

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[15] In the Austrian context, the term Assisted Voluntary Return (AVR) is used to describe the return to the country of origin that is accompanied and, to varying degrees, financed by national authorities and organisations. On the one hand, the support can be used by persons who are obliged to leave the country because they do not have a right of residence (anymore) (e.g. asylum seekers whose applications have been rejected and other illegally staying third-country nationals (without an asylum procedure)). Also, the AVR support can be used by persons who are entitled to stay, including asylum seekers in an ongoing procedure, persons granted asylum or, for example, beneficiaries of subsidiary protection.

perspective can provide further insights into the support systems for migrants and asylum seekers.

I want to highlight that my interviews with NGOs were confined to those providing return counselling services up to 2021. Despite submitting a formal request to interview the BBU, my efforts to conduct additional interviews with newly appointed return counsellors were thwarted by the head of the BBU agency, who denied the request. Nonetheless, I maintained active involvement in informal discussions, particularly following the easing of Austria's lockdown measures, by participating in conferences on asylum and migration. Here, I had the opportunity to converse with some BBU staff members.

A snowball sampling method was applied to identify interview partners (Bernhard 2006). Informed consent was secured, including obtaining the interviewee's permission to record the interviews. The interviews were subsequently pseudonymised and coded for analysis. In cases where participants preferred not to be recorded, detailed notes were taken. Transcriptions and coding identified recurring themes and explored specific issues across interview transcripts.

Resisting from Below: Migrants' Repertoires of Everyday Resistance

Resistance can be understood as "a response to power from below, a practice that might challenge, negotiate and undermine power, or a practice performed on behalf of and/or in solidarity with a subaltern" (Lilja/Vinthagen 2018: 215). Many academic studies have highlighted agency in contesting, undermining, and overcoming the legal restrictions, administrative barriers, and everyday risks they face because of their status (Broeders/Engbersen 2007; Van Houte et al. 2021; Kuschminder/Dubow 2023). Migrants are active political subjects that negotiate, contest, or oppose the same policies of bordering and exclusion (Mezzadra/Neilson 2012; Mainwaring 2016).

Migrants are individuals, who weigh and choose alternative strategies and pathways during the different phases of migration. These choices are influenced by social networks but are restricted by spatial, socio-cultural, economic, and political factors. The choice to migrate is based on bounded rationality and limited by incomplete information, risk, and uncertainty (Simon 1972). Individuals make choices based on available information and resources; however, these decisions are constrained or limited by various factors. These limitations can include incomplete information about the host country, the risks and uncertainties associated with migration, and the surrounding socio-cultural, economic, and political environment. Essentially, migrants make choices within the constraints of their circumstances, and these choices may not always represent ideal or perfectly rational choices because of the limitations they face. The idea of a potential return suggests that individuals are cognisant of the diverse migration policies within the host country, which could potentially shape their decisions (Ahrens 2022: 48).

> I do not plan to move because I have my family here in Austria now. I used to be a teacher in Nigeria, and I'm exploring opportunities to continue that career here. So, no, I am not considering returning to Nigeria. (Sam 2021)

> *No, I don't want to return. There are problems between the Catholics and the Muslims, especially in the north. Our leaders do not take care of our people. (David 2021)*

Some migrants, such as my respondent Sam expressed a strong reluctance to return to their home country because of the stable family life they have established in their host country. Sam, who had previously worked as a teacher in Nigeria, is now exploring opportunities to continue his teaching career in Austria. This perspective underscores the importance of family ties and career prospects in influencing decisions to stay in the host country and rejects the idea of returning to the home country. David also shares a similar sentiment, citing concerns about interreligious tensions and a perceived lack of care from political leaders in his home country as reasons for his resistance to return.

This inclination to postpone a return, even in the face of European crises, is underpinned by the potential consequences of an unsuccessful return journey. These consequences may involve unfulfilled responsibilities for family members, the deterioration of social status, and the emergence of feelings of shame. In their act of avoiding or postponing a return, migrants may aim to circumvent the stigma often associated with unsuccessful attempts to migrate to Europe (Schuster/Majidi 2019). It is worth noting that even seeking assistance for voluntary returns can carry its own stigma, as some may perceive it as abandoning their asylum dreams in exchange for monetary incentives, which can lead to stigmatisation (Brekke 2015: 79). However, individuals in such circumstances may still be inclined to remain within the authorities' purview, particularly if they rely on them for shelter, healthcare, or other vital services (Mommers 2022).

> *My wishes for the future? First, I would like to stay here, because my children were born here and go to school here. I would like to go to work. When I was younger, I really wanted to learn a lot, to study, but I didn't have the opportunity. So, I want my children to learn a lot and go to university, so they have a good future. (Vivian 2022)*

Persons like Vivian express their aspirations for the future, highlighting their desire to stay in their host country due to their children's education and the pursuit of employment opportunities. Vivian's wishes reflect the strong commitment of many migrants to provide a brighter future for themselves and, particularly, for their children. These aspirations highlight the profound desire for positive change and a promising future, which often plays a pivotal role in decision-making processes regarding their stay or return-migration. Individual factors, including family bonds, the scope of available prospects, and the level of societal integration, have a significant influence on these processes.

> *Return? Not right now. I want to make enough money. But it is very difficult here. I do not speak well German, and it is difficult to get a job. Right now, I´m selling the Augustin16 newspaper. (Peter 2022)*

The narratives of resistance to return and aspirations within the context of migration illuminate the interplay of individual, social, economic, and political determinants in the decision concerning their return or continued residence in the host country. These reasons for refusing to

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[16] The Augustin newspaper was founded in 1995 following the example of American, British or French street newspapers. The sale of street newspapers helps people who are excluded from the labour market for various reasons to alleviate their hardship as they receive half of the sales price.

accept return not only provide significant perceptions of the complexities of migration. They also offer critical perspectives on the motivations that underpin migrants' choices. Comprehending these factors is of paramount significance, as it lays the groundwork for the formulation of comprehensive policies and the development of support mechanisms tailored to the specific needs.

Agents: social relations and structural powers

This section discusses the roles of agents, their targets, and the relationships that define their acts of resistance. The agents of resistance are those individuals or groups who execute the acts (in this case, the migrants). Their relationships with the holders of power (Johansson/Vinthagen 2019), as well as with other actors involved in the practice of resistance need to be analysed (in this context, the state, IOM, NGOs, and others such as lawyers and legal counsellors).

In Austria, governments have implemented restrictive policies towards migrants with precarious statuses which limit their access to basic welfare services at the local level, with the aim of forcing them to return to their native country (Ataç/Rosenberger 2019). According to stakeholders, reintegration in countries of origin is increasingly difficult for those who have had no opportunity to take advantage of their stay in Austria, such as those with a negative asylum decision waiting for a long period of time without access to the labour market, resulting in loss of skills (Schweitzer 2022). Low-skilled returnees find it difficult to start a new life in their country because they have limited access to resources and support structures to engage in development. Even if they have the capacity to act as agents of change, they are rarely viewed as such (Kratzmann/Hartl 2019).

> There are various reasons why asylum seekers or rejected asylum seekers may not voluntarily return to their home country. These include fear of persecution in the home country, social and economic hardship, loss of face in front of the family and insecurity in the countries of origin. (NGO #2 2022)

Stratification emerges with its own subtleties of exclusion/inclusion and the power relations between asylum seekers and migrants. Stratification emphasises the combined effects of gender, ethnicity, legal status, skill level and mode of entry or exit (Mezzadra/Neilson 2012).

> The Austrian government has been pressing its knees on my neck for the past 17 years. I can no longer breathe. My heart is hammering, I do not sleep at night. The authorities are playing ping-pong with my life. (Friday 2021)

Friday has lived and worked in Austria for 17 years in search of a better future. He had been in an extremely difficult and frustrating situation for years and was stuck in the endless asylum process. However, his asylum application was rejected, and the court sent the case back to MA 35 (the Immigration and Citizenship authorities in Vienna).

> I feel incredibly stressed and scared because the authorities are pressuring me to go back to Nigeria, and this thought terrifies me. When I arrived in Greece, I found out that the job offer was a sex work job. I did not want to do that, so I fled. That's how I

came to Austria. I told my story to the authorities. I cannot go back to Greece, and I can't go back to Nigeria. (Sarah 2022)

Personal narratives, such as that of Friday, reveal the predicaments faced by migrants. Friday's protracted asylum-seeking process ended with rejection, underscoring that the frustrations and challenges experienced by many are stuck in seemingly endless legal proceedings. Similarly, Sarah's account highlights the pressures faced by irregular migrants, caught between a precarious legal status and limited options. These narratives underline the complexities and resilience of everyday life for irregular migrants, who navigate through a world characterised by restrictive migration policies.

Everyday resistance practices among asylum seekers and irregular migrants can be understood as responses to restrictive immigration policies and the associated exclusionary practices. These practices often entail the development of social networks and support systems, as individuals strive to navigate within the complex legal and social terrain aimed at maintaining their precarious status. Additionally, these practices frequently manifest as acts of protest and activism, challenging the structural inequalities inherent in the system (Abdou/Rosenberger 2019). These accounts reveal the diverse and context-dependent nature of the experiences of those engaged in these practices, which are influenced by their motivations and available resources.

The Black Lives Matter protests that the whole world is talking about…not only are the police involved in this brutal and racist behaviour, but also the authorities. When someone kneels on someone else's neck for minutes, it ends their life. For me, Black Lives Matter is about exactly this. (Friday 2021)

The narratives also shed light on the collective dimension of resistance, where asylum seekers and migrants, individually and in solidarity, mobilise as a collective force to protest their predicament (Odermatt 2021). This is evident in the formation of networks and informal support structures, vocal statements, contesting authorities, and their collective organising efforts. These activities highlight the resilience and determination of a community (Hafez 2020).[17] The inequalities intersecting with factors such as race, class, gender, and immigration status demonstrate that the decision process leading to stratification is not solely a product of structural forces, such as government policies or institutional discrimination. They show that it is profoundly shaped by the choices, agency, and collective actions of diverse groups, particularly those addressing racism and discrimination.

Agents of solidarity and networks in Austria

Building alliances with social actors and organisations constitutes a fundamental aspect of daily defiance efforts. They express gratitude for the assistance provided by local volunteers, NGOs, and random acts of kindness extended by Austrian citizens (Merhaut/Stern 2018). It is common to differentiate between the state and its citizens, as well as, between state officials and persons

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[17] The protests rekindled memories of police brutality against black people in Austria. On May 1, 1999, Marcus Omofuma, a 25-year-old whose asylum requests had been denied, resisted during deportation to Nigeria and tragically died (Hafez 2020).

working in NGOs and other service providers. Migrants often experience more flexible and adaptable day-to-day relationships with the latter group.

> *NGOs provide legal aid to migrants facing deportation, especially those with family ties in the destination country. We can advocate for more compassionate immigration policies that consider family and humanitarian aspects. (NGO #1 2022)*

NGOs, as exemplified by NGO #1, contribute significantly by providing legal aid to migrants facing deportation, particularly to those with family ties to their host country. Their advocacy efforts revolve around the promotion of more compassionate immigration policies that consider the family and humanitarian aspects. This quote highlights the diverse network of relationships and actors involved in resistance practices, underscoring the versatile nature of resistance within the realm of migration.

Civil society organisations, for instance, actively reject official categorisations and continue to offer mutual aid to destitute refugees and undocumented migrants (Humphris/Yarris 2022; Monforte/Maestri 2022). This empowerment of individuals, often depicted as unwanted, allows them to reject the state's framing of voluntary returns as the sole alternative to deportation, which is the preferable option.

> *The Bürglkopf return centre in Fieberbrunn (Innsbruck) accommodates people whose asylum decisions have been rejected. Already in the past, criticism was voiced around the facility, saying that the centre was inhumane. Initiative Close Bürglkopf (an initiative by a group of activists) continuously reports on intimidation attempts, where the residents were threatened with negative consequences if they talked to journalists or the initiative. (NGO# 2 2022)*

Through their continuous reporting of intimidation attempts and threats against residents who engage with the media or the initiative itself, activists have exposed the oppressive environment surrounding the centre. Activists, represented by NGO #2, have been instrumental in continuously reporting intimidation attempts and threats against residents within detention centres. These efforts shed light on the oppressive environment surrounding such facilities and underscore the need for transparency, accountability, and protection, rights and well-being. This case highlights the broader challenges of asylum and deportation systems and the importance of scrutinising and reforming such facilities to ensure fair and humane treatment for those seeking refuge.

> *I received a negative decision two times. The first time and then a second time in 2012. During the second negative decision I was arrested, and I received the notice for deportation. (Emeka 2022)*

These interviews enable us to examine how agency takes shape at both individual and collective levels of resistance. This occurs through explicit and implicit negotiations with relevant stakeholders and authorities, as well as through their capacity to establish networks and seek valuable contacts:

> *I was in contact with Diakonie regarding my application when I got the negative decision. I then also had a lawyer who put together documents and testimonies. I even received an insurance from someone from the bank here in Krems. When you have*

the negative decision, you don't have any insurance anymore, so someone helped me out with that. (James 2022)

These statements suggest that receiving a negative asylum decision can have serious implications for migrants, including arrests and removals from the country. It also underlines the importance of legal assistance and advocacy for immigrants who face such challenges. Appealing a negative decision also requires significant resources and assistance, including legal representation and financial assistance.

Some diaspora organisations were approached by the IOM or the government to guide AVR programmes. My respondents were reluctant to do so and said:

I told IOM that programmes such as voluntary returns are unlikely to succeed with Nigerian migrants. We are hesitant to support the idea of sending these individuals back to Nigeria, fearing that they might find themselves in the same dire circumstances from which they fled. The issue is a significant lack of trust in both the Nigerian government and the IOM when it comes to receiving financial aid and assistance upon returning to Nigeria. (Diaspora organisation 2022)

Diaspora organisations, as reflected in the quote provided, express reluctance in taking part in AVR programmes. Their concerns revolve around the potential challenges that returnees might encounter in accessing necessary material aid and social services upon arrival in Nigeria. The concerns are driven by mistrust in the government's ability to provide the support needed for a fresh start. These quotes illuminate the challenges and complexities faced by immigrants dealing with negative immigration decisions. They underline the vital role of advocacy and support networks in navigating legal and bureaucratic difficulties in the immigration process.

Spaces of resistance

In the exploration of everyday resistance, the significance of the physical locations where these acts manifest and their spatial relationship becomes evident. Everyday resistance is inherently connected to specific places and is enmeshed within distinct social contexts. For instance, Calais is characterised as a racialised space, marked by privilege and exclusion (Tyerman 2019: 11). These locations are emblematic of settings in which social life is uniquely structured in response to the interplay of political, legal, socio-cultural, and socio-economic factors (Johansson/Vinthagen 2016). However, it is essential to broaden our knowledge of physical spaces and to consider how practices are disseminated and instigated through transnational diasporic networks.

I am an asylum seeker and in 2017 I got the first negative decision. Back then I had Menschenrechte (reference to Verein Menschenrechte) who took up my case. Then in January 2021 Menschenrechte told me they no longer can help me, so I was given contact with BBU. I then got the second negative decision. I then got a lawyer who made an appeal, and he sent the appeal last week. (Michael 2022)

Many potential returnees may reject return counselling by either opting not to attend or disregarding the information provided during these sessions. Prior to 2021, these support services were delivered by NGOs such as Caritas and Verein Menschenrechte. This defiance to seek or engage in counselling can pose challenges in facilitating the return and reintegration processes.

In 2021, this was taken over by the BBU agency. The BBU agency plays a vital role in providing return counselling services, which encompass information and support programmes designed to assist persons in safely returning home, reuniting with their families, and reintegrating into the workforce. The BBU actively supports migrants by exploring alternatives to immediate returns, such as comprehensive reintegration packages that cover vocational training and medical expenses. In collaboration with IOM projects in Nigeria, the BBU extends tangible material assistance, including financial and vocational support, to facilitate the successful return to their native country through these reintegration programmes.[18]

> *The way in which counselling related to migrant return is delivered can vary widely and often needs to be adapted to the specific needs and circumstances of different countries and communities. Different factors can significantly affect communication and counselling. Social workers must be aware of these differences and apply culturally sensitive approaches. (Government Official from the MoI 2022)*

The quote from a government official highlights the importance of recognising the diverse and evolving needs when delivering return-related support. There is a need for support providers to tailor their approaches based on the distinct circumstances and cultural nuances of countries and communities. Cultural sensitivity is pivotal for ensuring effective communication and support.

Perceptions of compulsory guidance and the increased focus on soft confinement and deprivation in Austria can hinder the counsellor's effectiveness in addressing various facets of voluntariness. Migrants' reluctance to engage in these support services can be attributed to factors such as distrust of government authorities, financial constraints, family responsibilities, or personal convictions. Additionally, some may view return support as a form of coercion, rather than assistance (Schweitzer 2022).

"I received a letter to get return counselling but I didn´t attend it. It's deportation! Everything went through my lawyer", Michael (2022) told me. The provided statements exemplify the prevalent fear or apprehension regarding return counselling. Many potential returnees choose not to participate and instead rely on legal representation to navigate their immigration situations, reflecting concerns about being unable to make a successful return to their country of origin. This sentiment is echoed by James, who shares his uncertainty about his asylum status and residency, underlining the challenges often faced by migrants:

> *I also went to Deserteurs (an NGO) many years ago, where they helped me with the asylum claim. Also, working as an Augustin salesman, I met a lawyer who is now looking into my case. But I think there is a problem with my asylum claim and my residency, so I am not sure what will happen now! The government talks about helping people return home, but they do not actually help us when we get there. There is no support. We do not get any money. We just get some advice and that's it. (David 2021)*

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[18] Stories can be found in IOM Austria pamphlets: https://austria.iom.int/sites/g/files/tmzbdl1281/files/return-stories_12_en_coverkern_low.pdf.

David's uncertainty and concerns about his asylum status and residency highlight the complexity and the difficulties frequently encountered during their immigration processes. The fear of being unable to make a successful return to their country of origin, either because they cannot access the necessary material aid or because they do not trust the government, is a major factor deterring migrants from attending return counselling sessions. As one respondent stated:

Generally, migrants are aware of the economic difficulties and hostile environment they may face when returning home and tend to believe that their situation in Austria may be better. Therefore, they are often fundamentally opposed to the idea of return, either by opposing it altogether or by taking steps to try and avoid it. Several narratives and testimonies reflect their resistance to return and determination to stay. Rejecting the idea of returning, these individuals cited a range of reasons, including security concerns, lack of employment opportunities in Nigeria, the need to support their families back home, or to continue their work in Austria. In addition to physical barriers, migrants also voiced challenges related to inadequate information about the AVR process, limited financial resources, and a lack of access to legal assistance and social protection once they arrived in their countries of origin.

Despite these adverse conditions, individuals retain a sense of agency and actively refuse the imposed waiting and prolonged limbo. This resistance takes the form of networks of solidarity, support, and information exchange, outside the government apparatus (Abdou/Rosenberger 2019). Defiance is not only limited to the refusal of return counselling but also manifests in various forms, such as rejecting voluntary return offers and continuing to seek protection despite the threat of deportation (Cleton/Schweizer 2021).

> My sales place is at the underground station. I have been with Augustin since 2004.
> There are nice customers there. Many are working from home at the moment because
> of Corona, but little by little they are coming back. It is definitely better to sell Augustin here than to sit at home and do nothing. (Peter 2021)

Respondents like Peter, who sell Augustin newspapers at a Vienna metro station, not only find livelihood opportunities but also foster community engagement, challenge stigmas, and empower them to assert their presence and contribute to the local economy. Reclaiming spaces typically dominated by citizens, migrants demand recognition and showcase their entrepreneurship. Even during lockdowns in 2020 and 2021, when street accessibility declined, they persevered in their ventures, recognising the importance of maintaining customer connections and securing their livelihood. Such initiatives serve as platforms for migrants to assert their presence and make significant contributions to the local society.

Temporality and uncertain legal status

"I come from Nigeria and am here as a refugee. I have been in Austria since 2013. When I came here, I immediately applied for asylum, and I am still waiting for the decision", told me Ifeoma (2022). Temporality, in the context of migration, unfolds across multiple dimensions. First, it encompasses variations in the processing speed of asylum applications in Austria and the procedural structures established to accommodate these differences. Second, it involves the outcomes of diverse procedures for granting asylum, subsidiary protection, and other forms of

humanitarian safeguarding, thus creating distinct timeframes for different categories. Third, it involves the pace at which these individuals integrate into Austrian society, thereby expanding or contracting the temporal spaces within which migrants operate.

In the context of immigration, the temporal dimension is a unique form of temporality that is distinct from everyday life. According to Elliot (2016), this dimension is often observed in the waiting process experienced by potential returnees. Waiting for the processing, evaluation and documentation of one's migratory fate by immigration officials introduces a qualitatively different type of waiting, laden with high stakes compared to everyday waiting. It is as if migrants hold their breaths while waiting for decisions concerning their migration status, casting a shadow over their daily activities with the looming uncertainty.

Jacobsen, Karlsen and Khosravi (2020) bring attention to the concept of waiting as an analytical framework providing additional insights into the dynamics of bordering, belonging, state power, exclusion, inclusion, and social relations within the context of irregular migration. Waiting is produced and experienced through complex shifting processes. It is also productive and contributes to the construction of irregularity.

> *The Austrian government should reform the asylum process…they should let us say two to three years and then decide and not let people wait and hope! It is a really long to wait for the asylum! (Friday 2021)*

The significance of temporal dimensions in everyday resistance becomes evident when considering the experiences of Nigerian individuals subjected to protracted waiting periods for their immigration papers. In this context, time transcends the conventional linear progression, taking on a more complex role as an intermediary space in which negotiation occurs between the past, the present, and an undetermined future. This temporal dimension, marked by its indeterminate nature, serves as fertile ground for the creation of significance.

Given the ever-fluctuating power asymmetries in society, prospects for opposition persist, especially for migrants navigating the complex landscape of legal pathways (Kraler/Hollomey 2016). The experience of waiting for immigration papers is profoundly shaped by the conditions in their home countries, including political and economic stability levels. Additionally, the timing of their potential return is influenced, as Ahrens (2022) highlights, by the Nigerian community's considerable impact on the choice to remain or to pursue alternative paths, such as heading to the UK or the US.

In the context of Nigerian migrants facing extended periods of uncertainty, understanding these temporal dimensions is vital. This emphasises the importance of holistic knowledge of interconnected spatial and temporal aspects of everyday resistance in migration scenarios. This becomes particularly significant when examining the resilience and resourcefulness of individuals awaiting resolution of their immigration status over prolonged periods.

Conclusion

This article has delved into the nature of everyday resistance within the context of migration. It has provided a unique view of the nuances of confrontation, influenced by power imbalances and adaptive strategies. This study aligns with previous findings that migrants employ a diverse

array of approaches to defy deportation and detention, often extending their stay in the host country. Their decisions are intricately linked to the perceived legitimacy of immigration controls, pointing to policy enforcement legitimacy deficiencies even among highly vulnerable asylum seekers (Van Houte et al. 2021:1286; Kuschminder/Dubow 2023).

Within this complex landscape, spatial and temporal dimensions have emerged as vital components of migrants' experiences. The spatial dimension is marked by resistance practices within specific physical locations, including community spaces and workplaces. The temporal dimension manifests in the prolonged waiting periods that migrants endure as they navigate through complex immigration processes. Waiting, in this context, is a unique temporality that alters their perspectives and daily lives, thus impacting their decision processes. The waiting endured during these processes actively plays a role in generating irregular migration status.

The socio-political context significantly shapes experiences, as they navigate through legal pathways and contend with issues of power, exclusion, and inclusion (Jacobsen et al. 2020). The narratives and testimonials highlight the challenges they face, the uncertainty surrounding their future, and their strategies. This resistance is not confined to specific locations or temporal stages but encompasses various spatial acts within the local context and temporal negotiations between the past, present and an undetermined future.

Understanding the individuals' subjective experiences is paramount when developing well-informed strategies for effective return migration management while upholding human rights. This underscores the need for a more comprehensive approach when engaging with asylum seekers, which entails considering their expectations, cognitive processes, and biases, as well as acknowledging the various roles played by stakeholders in the process.

In the context of potential returnees, their decision-making process is shaped by factors such as mistrust, financial constraints, and the perception of return counselling as coercive. This highlights the resilience and resourcefulness of individuals who persist in their confrontation even amidst prolonged uncertainty. This takes on diverse forms in everyday life, challenging the implementation of asylum and return policies and manifesting in specific physical spaces, such as workplaces, cities, and streets, thereby illuminating the dynamics of the resistance process.

In conclusion, this research provides an awareness of the complexities of resistance practices within specific spatial and temporal contexts in the migration nexus. Recognising these dimensions is crucial for developing more comprehensive and effective policies that address the challenges faced by migrants, as they navigate immigration processes and protracted waiting periods. By focusing on the spatial and temporal aspects of defiance, we can gain deeper insights into their experiences and work toward more inclusive and humane migration policies. Additionally, the role of livelihood opportunities, community engagement, and challenges against stigmas through entrepreneurial activities such as selling newspapers cannot be underestimated. This underlines their capacity to effectively confront negative stereotypes and assert their agency and resilience in the face of adversity.

Moreover, the analysis stresses the collaborative dimension of resistance, involving various stakeholders, including NGOs, diaspora, social workers, and the local community. The engagement of diaspora organisations and the involvement of diverse actors in shaping the migration experience highlight the complexity of efforts to challenge deportation and detention. It is

essential to understand that individuals employ effective counterstrategies, such as engaging in informal work and seeking alternative options, emphasising the need for a more comprehensive approach to AVR programmes. While this research provides insights into Nigerian migrants in Austria, further investigation is necessary to explore the complexities within this population and to expand our understanding of migration experiences among migrants from different countries in various host nations.

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