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Abstract: While both *de facto* and *de jure* inequalities in global mobility have been well documented, the interplay between law, global mobility, and socioeconomic inequalities remains under-conceptualised. Building on Kaufmann's notion of motility as mobility capital, this article develops the concept of *transnational mobility capital* to capture an individual's legally mediated *capacity* for cross-border movement and residence. Despite widespread influence in mobilities research, mobility capital has not been systematically theorised in legal scholarship. To demonstrate the concept in a legal context, the article conceptualises citizenship as a key *distributor* of mobility capital and a *legal platform* that enables the conversion of economic, social, or cultural capital into enhanced capacities for movement. The article complements existing research on *de jure* and *de facto* mobility inequalities by showing that law not only governs access to global mobility but also structures the conditions under which different forms of capital can translate into increased capacities for movement. Ultimately, the article proposes transnational mobility capital as a promising analytical framework to better measure and analyse the often invisible role of law in producing and reproducing socio-spatial stratifications at the global scale.

Keywords: mobility capital; transnational; motility; mobility inequality; citizenship; visa; passport power; conversion; capability approach; freedom of movement; legal infrastructures.

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1 Introduction

Global mobility is deeply unequal (Delhey et al., 2020; Deutschmann, 2021; Grohmann et al., 2026). Over the past two decades, transnational mobility has nearly doubled in volume, with annual border-crossing estimates now reaching *9 billion*; yet this growth remains largely driven by a small minority of the global population who travel more than ever before (Delhey et al., 2020; Grohmann et al., 2025; Deutschmann and Recchi, 2024). While empirical knowledge of inequality in global mobility has improved in

recent years, mechanisms sustaining global patterns of cross-border movement continue to pose significant challenges for mobilities research across disciplines. Shaped by intersecting socioeconomic, cultural, political, legal, and spatial factors, the structural determinants underlying global mobility are not only complex but co-constitutive and difficult to disentangle and study in isolation (Bianchi et al., 2020; Shliselberg and Givoni, 2018; Engbersen et al., 2017; Jensen, 2013).

From a legal perspective, *de jure* inequalities in access to transnational mobility have been widely conceptualised and documented in mobilities and citizenship research over the past two decades (Mau et al., 2015; Czaika et al., 2018; Recchi et al., 2021; Shachar, 2009; Lavenex et al., 2024; Prener and Gammeltoft-Hansen, 2024; Kochenov, 2019). This literature underscores that the global visa regime pivots on nationality status in ways that impede transnational movement for poorer populations while facilitating it for a relatively small, privileged minority. Yet it is also clear that legal mobility obstacles do not always mirror economic inequalities or translate into predictable patterns of *de facto* (im)mobility. Although nationals of wealthy countries consistently enjoy legal access to more countries than nationals of poorer countries, legal barriers often *reshape* rather than prevent mobility flows (Carling and Talleraas, 2016).

Moreover, attempts to gauge the impact of law on global (im)mobility are often methodologically constrained. Macro-observations of *de facto* movement may describe patterns and volumes of border-crossings but say little about the majority who do not move across borders – or whether they are immobile due to legal, geographical, or socioeconomic constraints, or simply by choice (Prener and Gammeltoft-Hansen, 2024). As a result, we still know surprisingly little about how law shapes transnational (im)mobility and its downstream effects on socioeconomic inequalities. In other words, law's structural impact on global mobility remains largely buried and potentially underestimated (Byrne and Gammeltoft-Hansen, 2025; McAuliffe and Sawyer, 2021).

To bridge this analytical gap, this article adopts the concept of 'mobility capital' first introduced by Kaufmann et al. (2004). Mobility capital captures the idea that *motility* – a person, object, or idea's 'ability to be mobile' – operates as a form of capital that is unequally distributed among populations based on social, economic and political circumstances [Kaufmann et al., (2004), p.750]. Drawing on both Bourdieu (1986) and Amartya Sen's (1993) capabilities framework, Kaufmann et al.'s (2004) concept of mobility capital emphasises a person's *potential* or *capacity* for spatial movement as a central object of inquiry and as an emerging dimension of geographically based social differentiation. Since its introduction into sociology two decades ago, the notion that motility functions as capital has gained significant influence across mobilities research and has proven useful in a range of analyses of socio-spatial mobility (Kesselring, 2006; Jensen, 2006; Nowicka, 2006; Sheller and Urry, 2006; Glick Schiller and Salazar, 2013; Sergot et al., 2012; Lévy, 2004; Kellerman, 2012; Guigueno, 2008; Cunningham, 2025). Yet despite its widespread influence across mobility and migration studies, the concept has not yet been theorised or applied in a legal context.

This article's main argument is that mobility capital offers a promising framework for studying how legal regimes shape both spatial and social mobility on the global scale. To demonstrate, the article reconceptualises citizenship as a central *distributor* of mobility capital as well as a legal *platform* that enables the conversion of either social or economic forms of capital into mobility capital. On this basis, the article shows that legal regimes not only stratify access to transnational movement but also structure the very conditions

under which different forms of capital can be translated into an increased capacity to move and reside across borders.

The article proceeds as follows. The first section highlights key empirical challenges in current legal mobilities research and briefly elaborates on the need for conceptual innovations to better analyse how law influences both spatial and social mobility in transnational human mobility. The second section introduces the concepts of ‘motility’ and ‘mobility capital’ as devised (Kaufmann et al., 2004; Kaufmann, 2014; Kaufmann and Audikana, 2020), and then narrows mobility capital to a measure of a person’s capacity for *cross-border* movement in order to develop it as a tool for studying transnational mobility. The final section turns to citizenship with two purposes: first, to illustrate how citizenship *distributes* mobility capital in profoundly unequal ways; and second, to show how citizenship functions as a legal *platform* through which social or economic capital can be converted into mobility capital. The conclusion reflects on the analytical possibilities that a mobility capital-approach opens for future theoretical and empirical research on the interplay between law, transnational mobility, and global inequalities.

2 De facto and de jure mobility inequalities: empirical and conceptual challenges

Macro-level research on transnational mobility has advanced significantly in recent years (Abel and Cohen, 2019; Chi et al., 2025; Deutschmann and Recchi, 2024; Deutschmann, 2021; Grohmann et al., 2026). Quantitative studies consistently show that borders are being crossed at a higher rate than ever before, but also that global mobility remains highly regionalised (Deutschmann, 2021). More than *eight out of ten* international travels continue to happen *within* world-regions and almost *half* of all border-crossings originate in Europe (Deutschmann and Recchi, 2024). This inequality is particularly evident in a recent study that deploys Gini coefficients – traditionally used to measure wealth and income inequality – to index inequality in *de facto* cross-border mobility on a country-by-country basis (Grohmann et al., 2026). As the study shows, *de facto* mobility inequality is not only very high (surpassing economic inequality between states) but also strongly correlated with a country’s GDP. In other words, the poorer the country, the fewer in- and outgoing border-crossings, and *vice versa*.

Despite these and other empirical advances, quantitative research on transnational mobilities has major limitations. Relying almost exclusively on aggregated border-crossing statistics produced by national and intergovernmental organisations or private companies collecting information for the travel and tourism industry (Gygli et al., 2019; Grohmann et al., 2025; Recchi et al., 2019), macro-level research says little about those who do not move across borders or the important distinctions within these immobile groups. Moreover, quantitative research leaves completely open a series of questions about the structural underpinnings of observed movements as well as the wide-ranging cultural, economic and environmental implications of global mobility (Recchi, 2025). As Komarova and Hayward (2022) explain, neither international nor internal mobility regimes can be adequately described in terms of a mobility-immobility dichotomy. Rather, personal capacities for movement are formed by complex intersections of spatial, political, cultural, legal, and socioeconomic factors, and must be

studied as such (Bianchi et al., 2020; Shliselberg and Givoni, 2018; Engbersen et al., 2017; Jensen, 2013).

From a legal perspective, inequalities in access to transnational mobility have already been widely conceptualised and empirically documented in existing research (Mau et al., 2015; Kochenov and Lindeboom, 2017; Czaika et al., 2018; Recchi et al., 2021; Chilton and Woda, 2022; Prener and Gammeltoft-Hansen, 2024; Vink et al., 2025). This research has consistently shown that the remarkable growth of transnational mobility is not the result of international borders becoming more permeable in recent decades (Mau, 2023). On the contrary, for anyone seeking to cross a border, a complex of domestic, bilateral, and multilateral laws form a legal infrastructure that determines where one can go, for how long, at what cost, and for what purpose (Byrne et al., 2024). Within this infrastructure, those with ‘low-tier’ citizenships are typically constrained to their countries of birth while a privileged minority with ‘top-tier’ citizenships travel the world more freely than ever before (Kochenov, 2019; Prener and Gammeltoft-Hansen, 2024; Sheller, 2018). Indices on ‘passport power’ made by private companies clearly illustrate this ‘schism’ (Cohen, 2021) or ‘global mobility divide’ (Mau et al., 2015): visa rules differ profoundly depending on the passport of the traveller (e.g., Arton or Henley Passport Rankings). Empirical research, however, also substantiates this ‘schism’ by showing, for instance, how visa-free travel opportunities over the past forty years have steadily expanded for citizens of OECD countries but diminished for citizens of poorer countries (Czaika et al., 2018). Similarly, Recchi et al. (2021) illustrate how visa *costs* have become exceedingly low for citizens of wealthier countries (if not waived entirely), while rising for citizens of poorer countries – in some cases amounting to an average monthly income. Most recently, Deutschmann et al. (2025) point to a similar correlation between visa-processing wait times and the GDP of the applicant’s country of nationality.

Crucially, however, *de jure* mobility inequalities do not always mirror economic inequalities or *de facto* mobility patterns. Indeed, in many cases, legal constraints *reshape* rather than prevent mobility flows (Carling and Talleraas, 2016). Across all categories of travel, cross-border movement often occurs despite – or indeed in direct response to – legal obstacles. Forced migration, irregular border crossings, and the strategic re-routing of travel in response to visa restrictions are examples of *de facto* mobility patterns that circumvent legal mobility obstacles. Conversely, formal permission to travel or migrate does not necessarily translate into actual cross-border movement. Privileged populations, for instance, may be legally able to enter and settle in large parts of the world but might have neither the aspiration nor need to do so. Many others may have both the aspiration and legal permission to migrate but lack the information or the financial and social resources to do so. A group of refugees crossing the Mediterranean might be legally entitled to asylum but still never reach European shores due to illegal pushbacks (Keady-Tabbal and Mann, 2023). Likewise, descendants of Portuguese Sephardic Jews might simply not be aware that their ancestry offers a legal path to Portuguese citizenship (Džankić and Vink, 2022). Similar dynamics apply to labour migration corridors, where economic demands often lead to legal arrangements – such as the India-Gulf corridor (Chanda and Gupta, 2018) – that facilitate labour migration between countries otherwise distant in both spatial, political, cultural, and economic terms. In short-term travel – which accounts for 99% of all global mobility (Recchi and Safi, 2024) – divergences between *de jure* and *de facto* mobility inequalities are often even more pronounced. Travel bans in one country have been shown to lead to significant increases in short-term travel elsewhere, just as sudden halts in business- or student visas in one place have

shown to prompt lucrative visa arrangements in other countries seeking to attract talent and human capital (Hawthorne, 2018).

In sum, despite several correlations, it would be reductive to claim that *de jure* mobility inequalities always mirror global economic hierarchies – or that legal obstacles consistently translate into predictable *de facto* mobility patterns. Rather, legal regimes often shape human mobility in indirect, contingent, or contradictory ways – sometimes producing outcomes that defy straightforward economic or legal logics. To better grasp this complexity, the following sections consider the analytical purchase of approaching people's *capacities* for cross-border mobility as a form of capital: one that legal regimes distribute in profoundly unequal ways, and that converts into other forms of capital, and *vice versa*.

3 Motility as mobility capital

While first introduced by Karl Marx to describe the dynamics of economic exploitation, it was Bourdieu (1986) who expanded the term *capital* to describe social dynamics across an array of social fields. Together with *field* and *habitus*, *capital* forms a central tool in Bourdieu's sociology through which to understand society as social practice in relational space. By essentially 'breaking down capital' in its various forms, Bourdieu laid the theoretical groundwork for carrying out empirical and analytical measurement of social phenomena (Kaufmann and Audikana, 2020).

After the turn of the millennium, Bourdieu's notion of capital emerged as a central tool – first in the 'spatial turn' and later in the 'mobilities turn'. As a means to explain the relational qualities between social forms of capital and physical space, geographers Lévy and Lussault (2003) coined *spatial capital* to describe how local knowledge and social networks can be acquired during mobile stages of life and then used advantageously later in life – without the need to be mobile. Shortly thereafter, Kaufmann et al. (2004) introduced the notion that *motility* – the "ability of people, objects or ideas to be mobile" – functions as a form of 'mobility capital'. Drawing on both Bourdieu (1986) and Amartya Sen's (1993) capabilities framework, Kaufmann et al. (2004) frame motility as an emerging dimension of geographically based social differentiation, insofar as mobility opens up the range of achievable life chances.

Originally stemming from biology, where it describes an organism's ability to move independently, *motility* has since gained widespread significance in social sciences as a tool for capturing the characteristics that allow an actor to be mobile in both social and spatial terms. Kaufmann divides these characteristics into *access*, *competence*, and *appropriation*. *Access*, according to Kaufmann, refers to a person's (or a collective's) absolute range of potential mobilities, contingent on time, place, and other resource constraints. Despite its overlap with economic capital (Bourdieu, 1985; Bourdieu and Wacquant, 1992), access is arguably more reminiscent of the kind of socio-spatial resource that Bourdieu moved towards identifying in *The Weight of the World* (Bourdieu and Accardo, 1999; Cunningham, 2025). According to Bourdieu, the fact that "people are endowed with greater or lesser possibilities for appropriating [...] goods and services" results in a "concentration of the rarest goods and their owners in certain sites of physical space" [Bourdieu and Accardo, (1999), pp.124–125]. *Competence*, in turn, denotes the skills that mediate one's ability to access the former range of mobility possibilities. This

includes physical abilities (the personal or material means to transfer oneself – or goods – from one place to another) as well as the acquired skills that enable one to do so. Ranging from skills, credentials, qualifications, or acquired knowledge, *competences* thus either circumscribe or expand one's mobility options.

Lastly, *appropriation* refers to agents' interpretations and actions in response to the actual or perceived limitations and possibilities imposed by either access or competence [Kaufmann et al., (2004), p.150]. An individual or group's responses to external spatial constraints and possibilities are often influenced by past experiences. In this sense, appropriation maps closely onto what Bourdieu (1977) identifies as *habitus*, whereby agents' perceptions and practices are shaped by the structures of the social worlds they inhabit. The result, as Atkinson (2015, p.51) describes it, often being that "inequalities in the habitus in exposure to repertoires of successful appropriation over time can lead to a recursive unevenness in both access and competence and thus lead to a reproduction and residualization of inequities in space-time." In other words, unequal starting points in mobility tend to compound over time, reinforcing spatial and social stratifications.

4 Why treat motility as 'capital'?

The originality of Kaufmann's approach lies, first and foremost, in its distinction between the aim and action – the *potential* and *fulfilment* – of spatial mobility, emphasising the potential for spatial movement as a central object of inquiry rather than actual, practised physical movement (Kellerman, 2012). Second, by treating the *capacity* to move as a form of capital that is unequally distributed in relation to people's social, economic and political circumstances [Kaufmann et al., (2004), p.750], mobility capital captures the interplay between the social and spatial dimensions of mobility. These advantages are evident from both empirical and theoretical applications across a range of disciplines, including anthropology (Moret, 2018; Glick Schiller and Salazar, 2013), management (Sergot et al., 2012), human geography (Lévy, 2004; Kellerman, 2012), history (Guigueno and Flonneau, 2009) and urban planning (Chalas, 2008; Lord et al., 2011). The conceptual justification of mobility capital has, however, also been widely discussed [Kellerman, (2012), p.176; Kesselring, 2006; Jensen, 2006; Nowicka, 2006; Sheller and Urry, 2006; Merriman, 2012]. One strand of criticism holds that motility cannot be understood as capital in the traditional Marxist or Bourdieusian sense (Salazar and Jayaram, 2016). In response to this and similar objections, mobility capital has been justified as a tool for decomposing and measuring socio-spatial differentiation – in many ways echoing the same empirical effort that led Bourdieu to develop a varied and complex definition of capital (Kaufmann and Audikana, 2020).

Mobility capital shifts attention from movement as a vector between origin and destination to the possibility of undertaking such a journey itself as a discriminant and potential source of inequality between individuals. As Hannam et al. (2006) argue, "the relation between human mobilities and immobilities, and the unequal power relations which unevenly distribute motility [...] is a crucial aspect of mobilities research." By extension, one may argue that the contention at the heart of the 'mobilities turn' helps explain the absence of a distinct notion of 'mobility capital' in Bourdieu's sociology. After all, prior to the 'mobilities turn', space itself had rarely been an object of analysis or an independent variable in sociology. Over the past decades, the capacity to be spatially mobile has become increasingly important for social mobility, and motility has therefore

emerged as an indispensable social resource in close relationship with other forms of capital (Kaufmann and Audikana, 2020). Denoting far more than a mere aggregate of income and wealth (economic capital), educational level (cultural capital), and social networks (social capital), mobility capital captures something entirely different: the centrality of space in social hierarchies. Mobility capital, in this sense, is justified by the recognition that human mobility cannot be understood only as something entirely statistically measurable in terms of traffic volume, origins, and destinations, or speeds and distances. Rather, the capacity for physical movement in geographical space must be understood as a structuring dimension of social life and of social integration – and not a “neutral liaison between a point of origin and a destination” as Kaufmann notes (2002, p.103).

Another Bourdieusian objection might be that ‘capital’ only makes sense in relation to a social field – that is, a structured space of positions oriented around specific stakes. In the case of mobility capital, the relevant field is structured by struggles over access to cross-border movement and residence across state borders. The ‘stakes of the game’ in this transnational field are mobility opportunities themselves and the dividends they yield – access to privileged labour markets, welfare systems, effective rights protection, secure banking systems, and the possibility to exit unfavourable jurisdictions. Within this field, mobility capital designates both the volume of field-specific power an actor holds – the range of extraterritorial mobility and residence options – and the capacity to convert mobility capital into other forms of capital. Mobility capital therefore ‘pays off’ across other national and transnational fields by enabling lawful presence where other forms of capital can be most profitably accumulated. In this sense, mobility capital is scarce, unequally distributed, convertible, and effective only within the specific field structured by competition over territorial access as a valued resource.

Put differently, the ‘transnational mobility field’ is the space in which actors’ dispositions, strategies and perceptions of cross-border movement are shaped by their differential endowment with mobility capital. As Bourdieu (2018, p.110) notes on the interlinkage of capital and physical space, those endowed with capital can “keep at a distance undesirable persons and things as well as bring in closer desirable ones”, whereas a “lack of capital [...] brings the experience of social finitude to a climax: it chains one, ties one down to a despised locale.” Read this way, Bourdieu’s own account of spatialised hierarchies is less an argument against mobility capital than a description of what mobility capital makes analytically visible. Moreover, while Bourdieu himself examined fields within the bounds of the state, subsequent applications of field theory have successfully been adapted to transnational issues (Madsen, 2016). The ‘practice turn’ in international relations, for instance, shows how post-Bourdieuian frameworks can travel beyond the nation-state (Cornut, 2015; Buchholz, 2016). These precedents lay the groundwork for extending the notion of mobility capital – and the Bourdieusian logic underpinning it – to the transnational scale of global mobility.

5 Transnational mobility capital

Although mobility capital has mostly been applied to urban, regional or domestic contexts (Kaufmann et al., 2002, 2004, 2020), the insight at the heart of the ‘mobilities turn’ remains as relevant to cross-border movement as it is elsewhere: “sedentary frames

of social and spatial analysis have obscured that mobilities have always been the precondition for the emergence of different kinds of subjects, spaces, and scales” [Sheller, (2018), p.9]. At the same time, our planet is divided into political units of self-determination, which means that *transnational* mobility is governed by rules that are fundamentally different from those within a state. For the purpose of instrumentalising mobility capital as a tool to examine how legal regimes shape personal capacities for cross-border movement, the concept needs to be narrowed and isolated to the idiosyncratic spatial domain of *transnational* mobility. In doing so, mobility capital can be operationalised as a distinct measure of an individual’s (or a collective’s) legally mediated capacity for *cross-border* movement and residence.

In turn, this opens up entirely new ways to think about, measure, and analyse how legal regimes shape transnational (im)mobility, even when no movement is observed. By shifting attention away from binary mobile/immobile categories, mobility capital enables far more nuanced analyses of how legal regimes produce differentiated forms of socio-spatial (im)mobility. As Koskeniemi (2025, p.20) succinctly notes: “Law intrudes everywhere. It does not merely limit and constrain; more importantly, it empowers and enables.” In this sense, mobility capital goes beyond a simplistic view of legal regimes by framing law as more than external constraints on movement but as a core mechanism through which capacities for transnational movement are distributed, accumulated and integrated at the level of actors, networks, and institutions.

Concretely, mobility capital allows us to distinguish between different kinds of immobility, such as those legally deterred from moving across borders and those who are legally able to do so but choose not to. The latter ‘motile-immobile’ group includes, for instance, people with ample legal and economic capacity to move who nevertheless remain voluntarily immobile because spatial movement is not a prerequisite for achieving their projects and aspirations. By contrast, what Sheller (2021) calls ‘kinetic elites’ are usually both hyper motile and mobile. Another instance of motile-mobile divergence concerns populations living in states with large geographical territories. While the average citizen of the United States has ample legal (and socioeconomic) opportunities for international travel and residence, they are far more prone to travel or migrate domestically than populations with a similar degree of motility but living in geographically smaller states. According to Grohmann et al. (2025), the most transnationally mobile populations are consistently citizens of high-GDP but territorially small states such as Macau, Monaco or Luxembourg. While it is hardly surprising that Americans travel more domestically than citizens of, say, Monaco, this nevertheless suggests that *de facto* mobility inequalities are susceptible to a host of easily overlooked variables – including the geographical size of the territory in which the population resides.

6 Citizenship: the global distributor of mobility capital

To demonstrate the analytical leverage of mobility capital, this section turns to its principal global distributor, citizenship. Existing research has underscored that citizenship – more than any other legal or social status – is the most accurate predictor of socioeconomic prosperity, rights protection, and freedom of movement that a person will experience in life (Milanovic, 2016; Shachar, 2009; Kochenov and Lindeboom, 2017; Kochenov, 2019; Harpaz, 2019; Prener and Gammeltoft-Hansen, 2024). From an

economic perspective, Milanovic (2016) explicates how two-thirds of income variability across country percentiles is explained by one variable: the country in which people live and hold citizenship (Van der Weide and Milanovic, 2018; Milanovic, 2016). ‘Top tier citizenship’, in other words, comes with remarkable socioeconomic advantages – what Milanovic (2016, 2019) coins as the ‘citizenship premium’. Similarly, from a legal point of view, access to transnational mobility has been widely shown to pivot on citizenship (Prener and Gammeltoft-Hansen, 2024; Kochenov, 2019; Spiro, 2025; Shachar, 2009). Over the past two decades, a growing body of scholarship has substantiated and documented what Shachar (2009) popularised as the ‘birthright lottery’: the morally arbitrary terms on which most citizenships are acquired – namely where (*ius soli*) or to whom (*ius sanguinis*) one is born. Differentiating largely on the basis of nationality, visa regimes have increasingly been described as “systems of institutionalized discrimination based on nationality”, justified from a logic of “protecting the exclusive residency and political rights of citizens” (Czaika et al., 2018).

In this sense, citizenship can be understood as a key *distributor* of mobility capital. Determining not only the state one legally ‘belongs’ to but also which territories one can legally cross into and reside in, citizenship endows individuals at birth with varying degrees of mobility capital, with profound consequences for socioeconomic prosperity and opportunity. As Milanovic (2016) argues, economic prosperity and opportunities are mostly determined by *where one lives*. In other words, denoting one’s capacity for transnational spatial movement, mobility capital determines whether a person will be able to accumulate the economic and social capital necessary for social mobility. In many ways, to think of citizenship as a distributor of mobility capital is to build on Shachar’s analogy of a *birthright lottery*. Indeed, in this ‘birthright game of chance’ what is at stake is mobility capital: the ability to move across territories, and reside where one wishes. It is the resource being distributed and, in turn, a central ground for socio-spatial stratification. What makes one citizenship more advantageous than another is not the status *per se* but the capacity for cross-border movement it confers. Mobility capital helps explain why citizenship operates on a spectrum ranging from ‘liability to privilege’ (Kochenov, 2019). It is in large part through the uneven distribution of mobility capital that citizenship becomes both “an *instrument* and *object* of social closure” (Brubaker, 2014). Citizenship is thus not a *sui generis* form of capital, as Kalm (2020) proposes. For much of the global population, the status represents precisely the opposite: a liability to be freed from, not an asset to be leveraged [Kochenov, (2019), p.176]. Just as the rights, social benefits, and economic opportunities of a French-born citizen are inextricably linked to the ability to reside within French territory, the lack of rights protection and economic opportunities faced by the average Sudanese is inextricably tied to the low mobility capital conferred by Sudanese citizenship.

Crucially, while mobility capital offers a novel lens on the citizenship-mobility nexus, the historical genealogy of this relationship has been widely documented. Authors such as Soomro (2024), Torpey (2018) and Noiriel (1991) describe in detail the processes by which citizenship was gradually instrumentalised as a means of enabling what Torpey (2018, p.250) calls “states’ monopoly on the legitimate means of movement.” Soomro’s (2024) account details how the League of Nations and the universalisation of the global passport system effectively replaced ideas of free movement with a bureaucratic order in which nationality often operates as a proxy for race and colonial hierarchies.

7 Citizenship as a legal platform for capital conversion

Treating the capacity for spatial movement as capital highlights that mobility and immobility are not a dichotomy but a spectrum that intersects with other forms of capital. Mobility capital, like all forms of capital, easily converts into economic, social or cultural capital – and *vice versa*. As discussed above, that mobility capital converts into economic capital is made evident by the empirical fact that nationality is the single most important predictor of economic prosperity. Yet citizenship regimes also facilitate the reverse: through naturalisation pathways, citizenship can function as a *legal platform* through which economic or social capital is converted into increased mobility capital. Social capital, for instance, has for centuries offered a path towards citizenship with ancestry and family ties remaining the most common ground for naturalisation on the global level (Evergeti and Zontini, 2006). Through *ius sanguinis* (citizenship-by-descent) regimes in countries like Italy, Ireland, or Poland, descendants are often able to claim EU citizenship based on their ancestry – even if it traces back multiple generations (Scholten, 2022). These regimes reveal how European lineage (e.g., Argentinians with Italian grandparents or Americans with Irish ancestry) functions as inherited social capital that converts into mobility capital through citizenship.

More recently, a growing number of citizenship-by-investment (CBI) schemes across the world (Kochenov and Surak, 2023) illustrate how citizenship can function as a legal platform for converting economic capital into mobility capital. As documented by Kochenov and Surak (2023), CBI programs offer a clear path for individuals to obtain citizenship status in another country in exchange for a defined financial contribution. These programs allow wealthy individuals to effectively purchase citizenship – typically through a one-time payment, real estate investment, or donation to a national development fund. Importantly, these schemes are rarely used for purposes of long-term residence or integration. As Surak (2023) shows, investors overwhelmingly seek out ‘compensatory citizenships’ not for settlement purposes but to increase their visa-free travel opportunities in specifically Europe or North America. Such programmes are especially common in the Caribbean (e.g., St. Kitts and Nevis; Antigua and Barbuda) while some European schemes have been terminated or legally curtailed – Cyprus ended its CBI programme in 2020, and Malta’s scheme was ruled incompatible with EU law by the Court of Justice of the European Union in 2025 (Cox, 2025).

Usually, these programmes target applicants from China, Russia, the Middle East, and South Asia, regions where most national passports offer limited travel freedom (Surak, 2023) – investments often starting at around €100,000. Finally, intersecting with immigration schemes, citizenship regimes also ‘trade’ in human capital: skills, credentials, and professional experience can open pathways to residence and, later, to naturalisation (Ellermann, 2020). Canada’s Express Entry system, for instance, explicitly awards points for language ability, education, and work experience.

Although naturalisation still accounts for a minuscule 2% of all citizenship acquisitions globally (Kochenov, 2019), the growing popularity of CBI schemes and the longstanding tradition of *ius sanguinis* demonstrate that citizenship is increasingly operationalised as a means of expanding opportunities for extraterritorial mobility and residence. While most people rely on slower, more precarious pathways – such as family reunification, long-term employment-based migration, or asylum – citizenship enables those with sufficient social, human or economic capital to legally bypass mobility restrictions and the uncertainty of visa regimes. This stratification not only maps onto

economic class but also replicates colonial legacies and geopolitical hierarchies. At the same time, this ‘marketisation of citizenship’ (Shachar, 2018) is a step towards divorcing the legal status from national belonging and loyalty, attaching it instead to a transnational mobility calculus. As Harpaz (2019), Shachar (2018) and Piketty (2020) argue, nationality is becoming less about cultural identity and more about strategic flexibility – an ability to escape an undignified life, mitigate risk, and access opportunities by circumventing constraints on cross-border mobility. Conceptualising citizenship as a legal platform that enables the conversion of economic or social capital into mobility capital sheds new light on its role in people’s perceptions and strategies for accumulating mobility capital (Harpaz, 2019).

8 Conclusions

Much legal scholarship on cross-border mobility focuses on how legal restrictions limit and constrain regular and irregular border-crossings. This article argues that Kaufmann et al.’s (2004) notion of mobility capital offers a tool for decomposing how *de jure* mobility inequalities intersect with *de facto* mobility patterns and socioeconomic inequalities at the global scale. Recognising that legal regimes reconfigure human mobility in ways that are not always measurable as *de facto* transnational movement, the article conceptualises *transnational mobility capital* as a distinct measure of legally mediated capacity for cross-border movement and residence – one that legal regimes both distribute and help convert. To demonstrate this, the article has shown how citizenship operates as a principal *distributor* of mobility capital and as a legal *platform* through which economic or social capital can be converted into increased mobility capital.

Overall, the article advances three contributions. First, mobility capital makes it possible to study how legal mobility regimes shape people’s capacities for cross-border movement even when no movement is observed. This opens new possibilities for empirical work on legal mobility inequalities – such as analysing how mobility constraints affect opportunities for social mobility, whether *de jure* mobility inequalities operate as ‘latent *de facto* mobility inequalities’, or examining where legal barriers diverge from observed *de facto* mobility patterns and economic inequalities between countries. As discussed, such divergences occur at both ends of the spectrum – from disenfranchised groups deterred from moving across borders but who still manage to do so (i.e., ‘immobile movers’), to highly transnationally motile populations that nevertheless remain largely immobile.

Second, mobility capital provides a framework for specifying the mechanisms through which citizenship (re)produces socio-spatial stratifications globally. By conceptualising citizenship as both a distributor of mobility capital and a platform that enables the conversion of other capitals into increased capacity for cross-border movement, the framework shows how citizenship not only stratifies access to spatial movement but also structures the conditions under which other forms of capital can be translated into mobility capital. In doing so, it adds a horizontal analytical dimension beyond the vertical hierarchies suggested by ‘passport power’ indices, situating mobility law within a matrix of intersecting capitals. This allows for a more integrated understanding of how various privileges – ranging from legal status, income level, and

social class to access to information and travel infrastructure – come together to determine a person’s capacity for transnational mobility.

Finally, by foregrounding capacity rather than movement, mobility capital complements existing research on the citizenship-mobility nexus – including accounts of citizenship as legal infrastructure (Prener and Gammeltoft-Hansen, 2024) – by operationalising at the individual level what such structural accounts describe systemically: how law shapes personal capacities for cross-border movement. Ultimately, if capacities for movement remain “one of the major resources of 21st century life” [Cresswell, (2010), p.22], mobility capital offers a conceptually parsimonious way to analyse how legal regimes distribute, condition, and reallocate access to “one of the most defining features of our time” (Recchi, 2025).

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