Editorial

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Borders are no longer characterised simply for their function as geographic boundaries of nation-states. Rather, they have transformed into 'landscapes of power', where populations and their mobility are regulated through a complex interplay of legal, institutional, and technological frameworks [Walters, (2018), p.2799]. On the policy page, border controls are presented to facilitate mobility while meeting governmental mandates for orderly and secure migration channels. Yet, borders are colonial constructs that serve as instruments of violence and injustice, ushering histories of oppressive structures into modern day border experiences of segregation, surveillance, and control (Maynard, 2019; Pasternak, 2020; Sullivan, 2024; Topak, 2021). In regions like North America, they fracture communities, significantly affecting Indigenous peoples and migrants.

In recent decades, border politics have intensified amid the rise of nativism and populist movements across North America, Europe, and beyond. They have become pivotal in electoral discussions, with anti-immigrant attitudes extending beyond extremist factions to mainstream political parties.

The loosening of border restrictions in certain regions, particularly within the European Union (EU), has been paradoxically accompanied by the imposition of increasingly restrictive controls against migrants seen as undesirable, especially those seeking refugee protection or without secure immigration status. States have employed a multifaceted approach that combines physical barriers, such as fences and border patrols, with advanced technological solutions, as well as enhanced law enforcement

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collaboration at both domestic and international levels, to selectively control mobility. Through enhanced international cooperation, borders are now conceptualised as a "multiple, moving barrier that can be selectively positioned outside [national] territorial boundaries" [Arbel, (2016), p.824]. This phenomenon, often referred to as the externalisation of border control, results in the territorial and administrative extension of a state's border policy into other nations, effectively shifting the responsibility of migration management to countries far removed from the physical borders (Atak and Ellis, 2022).

Border regimes are being transformed from state-centric frameworks to complex networks involving a vast array of private and public actors. Private stakeholders such as tech companies and defence corporations play an increasing role in every aspect of border control, from the design of electronic travel visas to screening arrivals, and operating detention centres. Additionally, the participation of a range of other private actors, including landlords, employers, and educational institutions in the enforcement of immigration policies creates 'new borders' by embedding immigration control into everyday societal functions, where access to rights and essential services becomes contingent upon one's immigration status. Border controls that employ AI and surveillance technologies give increasing reach to the border industrial complex, resulting in severe human rights violations (Akkerman, 2021; Molnar, 2023).

The 2018 United Nations Global Compact for Safe, Orderly, and Regular Migration calls upon states to enhance border management cooperation in line with international human rights law [para 27(a–g)]. However, border politics that strengthen state cooperation for border control weakens the international refugee regime by impeding access to international protection and other fundamental human rights of people on the move. They heighten safety risks, as desperate individuals may resort to dangerous alternatives to reach their destination, often involving smugglers. Certain groups, notably irregular migrants, and refugees are often criminalised and portrayed as existential threats to national sovereignty and welfare systems. At border sites, individuals experience differential treatment and border violence based on national or ethnic origin, race, gender, class, and other grounds (Mountz and Loyd, 2014; Côté-Boucher, 2008; Konrad, 2016). Additionally, the externalisation and privatisation of border control effectively dilute state accountability and responsibility. As a result, borders have become sites of legal violence enacted not only through the ways that jurisdiction is being reterritorialised, but how the law is attached to different people in different ways (Basaran, 2010). Systemic factors further compound the challenges faced by precarious migrants, many of whom struggle to regularise their immigration status. They often encounter prolonged waiting periods, inadequate legal counselling, and insufficient support from settlement agencies. This leaves them particularly vulnerable to exploitation and other human rights abuses, increasing the likelihood that they will fall through the cracks of the system and lose their immigration status altogether.

This brief, and by no means exhaustive, overview underscores the necessity of mobilisation and policy change in favour of mobility and other fundamental rights of people impacted by borders. Resistance to border politics has been gaining traction, with successful mobilisations by Indigenous peoples asserting their right to cross borders freely. Similarly, migrants and their allies actively engage with, contest, and resist discriminatory border policies. This resistance takes many forms, including grassroots movements, activism, advocacy efforts, transnational cooperation, and litigation. Landmark court rulings concerning issues such as immigration detention, arbitrary

removals, and access to essential services for migrants with precarious status highlight the significant role of strategic litigation in advancing the rights of migrants. Civil society organisations (CSOs) have been instrumental in this effort, not only by initiating litigation but also by providing direct assistance and services and advocating for pathways to regularisation. Often, their actions foreground migrants' agency and experiences as they navigate exclusionary measures. In collaboration with grassroots movements and the migrants themselves, CSOs have championed sanctuary policies aimed at making essential social services, including healthcare and higher education accessible to undocumented and precarious-status migrants. In various contexts, these advocacy efforts have led to meaningful progress (Bauder, 2016). However, despite these achievements, challenges remain.

Against this backdrop, this special issue aims to present transformative perspectives in border studies through a range of critical and interdisciplinary viewpoints. It examines the historical, legal, and social dimensions of border regimes in North America, Europe, and Southern Africa. The focus is on how borders increasingly extend both beyond and within the geographic boundaries of nation-states, influencing mobility and determining migrants' access to rights and freedoms. By investigating the re-territorialisation of borders and the evolution of their governance, the special issue seeks to trace the historical roots of contemporary policies and their complex nature. It examines a multiplicity of institutional sites that shape – and are shaped by – border politics such as post-secondary institutions, the courts, CSOs, and refugee camps. It also explores the structures, rationales, and loopholes within policy regimes, such as regularisation schemes and temporary economic migration, that in turn shape the actions and experiences of people on the move. The special issue includes discussions on different migrant populations of economic, humanitarian, and educational streams, as well as Indigenous cross border movements and resistance to policies that restricts freedom of movement and access to ancestral lands. A central objective is to discuss the implications of these processes on the human rights of individuals and communities. The contributors critically engage with the varying experiences of power dynamics determined by legal status, colonial structures, and other intersecting axes of 'difference'. In addition, this special issue highlights best practices and strategies to promote inclusive narratives and non-discriminatory policies. It emphasises the need for sustainable solutions, such as regularisation programs and the development of inclusive services, to address the systemic exclusion faced by migrant populations. Furthermore, it explores the vital role of CSOs and grassroots groups in achieving advocacy goals, engaging in strategic litigation, and providing essential services to migrants, particularly asylum seekers and undocumented individuals. Through these discussions, the special issue aims to contribute to a deeper understanding of borders and to advocate for more just and equitable approaches to migration governance.

The special issue includes eight articles. It starts with an article by Elspeth Guild who discusses the intersection between state sovereignty, border control, and the categorisation of migrants. With a focus on the EU, Guild argues that the rhetoric of 'hard' border control exists in contradiction to free movement within borderless travel areas. She highlights how states utilise categorisations such as 'legal', 'illegal', 'irregular', and 'undocumented' migrants to assert control over individuals on their territory. Guild argues that these labels are not merely bureaucratic but rather serve to create boundaries that define who is deserving of rights and protections and who is

perceived as a threat. The consequences of these categorisations can be dire, transforming once legal residents into 'illegal' migrants through bureaucratic oversights or political decisions. The lack of consistency in the legal categorisation of migrants further complicates their situation, as individuals oscillate between status categories, subjected to arbitrary state decisions that can have profound implications for their lives. Guild challenges readers to reconsider the language and frameworks that shape our understanding of migration, advocating for an approach that recognises the dignity of all individuals, regardless of their migratory status.

Building on Guild's examination of how state categorisations and border control influence the rights and protections afforded to migrants, Paul McKenzie-Jones' article shifts the focus to the specific historical and contemporary contexts of border restrictions faced by Indigenous peoples at the US-Canada border. McKenzie-Jones argues that settler nations have historically restricted the movement of Indigenous peoples across the Canada-US border to sever their connections to ancestral territories and disrupt their identities. The author asserts that contemporary border restrictions reflect 19th-century policies that predate the formal establishment of border controls in the 1920s. He illustrates this continuity by presenting several examples of both direct and indirect forms of control imposed on Indigenous peoples at the border. The article details the resistance of Indigenous peoples against inequities and to border enforcement through various means such as litigation, cross-border collaborations and protests, border blockades, and grassroots activism, demonstrating continued Indigenous connectivity despite the border. McKenzie-Jones however reminds us of the limitations of initiatives aimed at improving Indigenous peoples' cross-border mobility due to states' reluctance to recognise Indigenous sovereignty.

Shiva S. Mohan and Anna Triandafyllidou deepen our understanding of the structural factors influencing the construction of migrant irregularity and precarity. Their contribution explores the interplay between economic immigration policy frameworks, legal statuses, and the labels applied within these policies. The authors build on the concept of precarity in migration (Goldring et al., 2009) to introduce the term 'complex precarity'. This concept integrates multiple dimensions of precarious conditions encompassing economic, legal, and social aspects while also addressing the nuances of migrants' experiences and their capacity to navigate intricate bureaucratic structures. Through case studies of Canadian and Spanish economic migration policy, the authors illustrate how both the highly regulated, segmented structure of immigration policy in Canada and the more flexible, settlement-oriented system in Spain, create similar settings for precarious status. Importantly, the comparison between Canadian and Spanish systems, where the former gives priority to selectivity and competition, and the latter to employment and social 'rootedness' as pathways to permanent status, highlights how policy approaches can layer insecurity by limiting access to various economic, social, and legal rights.

David Moffette's article expands the discussion on institutional solutions to the challenges faced by precarious or non-status migrants. It examines the 1973 Adjustment of Status Program, which stands as the most significant regularisation initiative in Canada's immigration history. Moffette posits that although regularisation programs represent a lasting remedy for undocumented and precarious status migrants, they should still be understood as bordering tools that categorise and delineate acceptable forms of migration and identities of individuals based on state-sanctioned notions of deservingness and desirability. Moffette's analysis sheds light on the crucial role of political will in

granting permanent status to undocumented and precarious status migrants, highlighting the government's focus on efficiency and bureaucratic expediency. This approach demonstrated political pragmatism, acknowledging the consensus among stakeholders on the need to address the backlog of undocumented individuals and allowing those already in the country the opportunity to remain. Moffette's research not only documents a crucial moment in Canadian history but also offers lessons that are highly relevant for contemporary regularisation efforts.

Efrat Arbel's review of the Canada-US Safe Third Country Agreement (STCA) and its legal challenges draws attention to the ways courts contribute to or challenge border politics through their interpretation of restrictive refugee legislation. Her article also critically highlights the effects of the externalisation of borders with a close look at the complexities and challenges faced by asylum seekers at the Canada-US border. Arbel observes that the Federal Court approached the STCA with a careful consideration of the factual context and the situational realities faced by asylum seekers. In contrast, the appellate courts' interpretations, tended to overlook these critical aspects, focusing too narrowly on the existence of alternative discretionary remedies for asylum seekers within Canada's legal landscape, without appreciating the real-world implications and accessibility of these options for asylum seekers. Arbel argues that the positionality of asylum seekers is vital in understanding the ramifications of the STCA. She emphasises the need for a humanised approach in the judicial process, one that centres the narratives of asylum seekers, their fears, struggles, and practical impediments.

Nicholas Maple examines border policies as tools for controlling refugee mobility to achieve the goal of stability. He discusses the complex dynamics between refugee movement and the reception policies of host states, with a particular focus on Zambia. He analyses Zambia's encampment policy, which requires refugees to stay within designated settlements, thereby isolating them from local communities. This approach reflects the Zambian government's reluctance to fully embrace urban integration due to concerns about potential instability. Maple argues that the concept of 'stability' serves as a more effective lens than security for understanding state policies on refugee mobility. He suggests that states frame their reception policies as necessary for maintaining stability, which can justify the control of refugee movements. This perception that urban refugee integration threatens stability influences many of Zambia's policies and public attitudes. While acknowledging efforts to promote refugee inclusion through livelihood initiatives, Maple cautions against ignoring the impact of these movements on perceptions of stability.

Tanya Aberman and Rebecca Murray critically examine sanctuary initiatives within higher education, focusing particularly on Canada and the UK. The authors highlight the pervasive narrative that portrays precarious status and undocumented migrants as threats to state security and resources, a perception that is often replicated within universities, creating barriers that prevent precarious-status migrants from accessing higher education. In recent years, sanctuary initiatives have gained traction in academic institutions, enabling some migrants to pursue higher education. However, the authors underscore that, despite these initiatives, migrants often endure coercive conditions while pursuing their studies, facing surveillance and direct threats to their safety and wellbeing on campus. To capture the complexity of these experiences, the authors introduce the 'sanctuary spectrum' concept and examine the different dimensions of the sanctuary model within higher education. They highlight how the sanctuary initiatives can

sometimes extend the violence inherent in border control and other times, translate into a form of care and an expression of solidarity.

Similarly, Paloma E. Villegas, Francisco J. Villegas and Ricardo Zepeda draw insights from their direct involvement in supporting access programs to explore the landscape of higher education as a bordered space in North America. They examine the challenges faced by migration-impacted students, including refugees, undocumented individuals, precarious status migrants, and Mexican returnees from the USA, as they navigate higher education. The authors highlight policies and programs designed to facilitate access to higher education for these students and note that, despite their inclusionary intentions, these programs often perpetuate exclusionary logics. The authors capture the experiences of Mexican returnees who have been deported or otherwise forced to return to Mexico from the US. These individuals, despite being Mexican citizens, encounter educational barriers comparable to those faced by migrant students, revealing the negative impact of bordering policies within educational contexts.

The articles included in this special issue enhance our understanding of bordering processes and underscore their significant theoretical and empirical implications. By addressing various dimensions of this evolving phenomenon, we aim to contribute to the expanding field of critical border studies and engage researchers and stakeholders who are interested in the complexities of border studies. We hope that these contributions inspire further research and discussion on the topic.

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