

Il tema

Governing Migrants through Punitive Environments Ten Years from the ‘Refugee Crisis’

Governare i migranti attraverso gli ambienti punitivi a dieci anni dalla ‘crisi dei rifugiati’

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Abstract. This article examines the reconfiguration of the “hostile environment” approach to migration governance in Europe into “punitive environments.” Drawing on Foucault’s notion of “infra-legal illegalism,” it argues that punitive environments operate beyond criminal justice, criminalising not only legal infractions but also “unruly conducts.” Through an analysis of three national contexts (Greece, Italy, and the UK) and the 2024 EU Pact on Migration and Asylum, the article shows how punitiveness functions as a latent condition that enhances migrants’ precarity and exploitability, while also eroding the socio-economic rights of racialised citizens. It concludes by reflecting on the possibility of building a constituent counter-discourse grounded in “infrastructures of dissent” that cuts across the migrant/citizen divide.

Keywords: migration, punitive environments, hostile environments, EU Pact, life-support infrastructures.

Riassunto. Questo articolo esamina la riconfigurazione dell’approccio del “hostile environment” alla governance della migrazione in Europa in “ambienti punitivi.” Attingendo alla nozione foucaultiana di “illegalismo infra-legale,” sostiene che gli ambienti punitivi operano al di là della giustizia penale, criminalizzando non solo le infrazioni legali ma anche le “condotte indisciplinate.” Attraverso l’analisi di tre

contesti nazionali (Grecia, Italia e Regno Unito) e del Patto UE su Migrazione e Asilo del 2024, l'articolo mostra come la punitività funzioni come condizione latente che accresce la precarietà dei migranti, erodendo al contempo i diritti socioeconomici dei cittadini razzializzati. Conclude riflettendo sulla possibilità di costruire un contro-discorso costituente fondato su "infrastrutture del dissenso" che attraversi trasversalmente la divisione migrante/cittadino.

Parole chiave: migrazioni, ambienti punitivi, ambienti ostili, Patto UE, infrastrutture di sussistenza.

1. Introduction

Ten years have passed since the image of Alan Kurdi, the three-year-old Syrian boy found dead on the beach in Bodrum, Turkey, after the boat he was travelling on with his family capsized, went around the world, becoming an icon of the so-called 'refugee crisis'. That image was also an important catalyst for the 'humanitarian surge' of many people who, in 2015 and 2016, mobilised in solidarity with women, men and children arriving on the Greek shores and continuing their journey along the Balkan route to seek asylum in Germany, Sweden, Austria and other European countries. Today, although Alan Kurdi's image is still remembered, that humanitarian momentum, which took the form of very diverse practices of solidarity, has suffered a setback: without ever completely dying out, mobilisations in support of migrants in transit, or to ask governments to allow shipwrecked people rescued in the Mediterranean to disembark in a safe port, have been superseded in the media by the racist anti-refugee riots that have broken out in the last two years in the United Kingdom, but also in Greece, Germany and France. In a way, an anti-immigration commonsense is firmly grounded in the European context, and extends far beyond it.¹ Migration policies have been reconfigured as anti-immigration measures, and criticisms raised against the EU's politics of migration containment fail to grasp the global dimension of this transversal authoritarian commonsense. In the last decade, the EU's agenda on migration has been twisted towards preventive containment: through a proliferation of bilateral agreements, memorandums of understanding and experiments in asylum externalisation, migrants are systematically hampered from becoming asylum seekers, through a series of bureaucratic obstacles and spatial restrictions. Yet, a critical knowledge of the border regime can-

¹ Stierl, Tazzioli, "Punitive Environments and the Anti-Immigration Authoritarian Commonsense."

not be circumscribed to registering the generalised escalation of border violence or the hardening of frontiers. Rather, it should draw attention to the partial shifts and often invisible dislocations occurred in the politics of migration containment, investigating how the “power’s hold”² over migrants’ life has changed in the last few years.

Building on such consideration, this article claims that the politics of ‘hostile environment’ against migrants has been progressively reconfigured in terms of ‘punitive environments’. While the notion of hostile environment refers to policies, spatial tactics and administrative measures aimed at making migrants’ lives unliveable, deterring them from settling down, governing through punitive environments entails criminalising their unruly conducts and existence as such; punitiveness ranges across the whole spectrum of migration, targeting asylum seekers, illegalised migrants and refugees. To be punishable is their ‘abuse’ of mobility, of socioeconomic rights and of the right to asylum as such. This European trend is best encapsulated in the new EU Pact on Migration and Asylum, approved in 2024 and enforced in June 2026, and in national laws and administrative measures introduced in a few EU member states. Drawing on Michel Foucault’s notion of “infra-legal illegalism” as “an illegalism that is not a breach of the law,”³ the article contends that punitive environments operate beyond the sphere of criminal justice as they do not necessarily constitute an infringement of the law. To be criminalised and eventually punished are ‘unruly’ conducts, that in the case of migration essentially consist in spatial disobediences with respect to the geographical restrictions imposed by EU and national laws, or in the ‘abuse’ of the right to asylum and to welfare. Punitiveness, as a potential and latent condition strengthens migrants’ socio-economic vulnerability and, jointly, practices of criminalisation that are not narrowed to law’s infringements. Relatedly, the article contends that far from being exclusively a matter about migration, an insight on the making of punitive environments reveals modes of interlocking precarisation and criminalisation between citizens and racialised non-citizens. That is, the punitive environments enforced in several countries against people governed as ‘migrants’ do have a backlash on citizens as well and accelerate a downward spiral of rights’ erosion. This partial shift from hostile to punitive environments should be situated within a sociopolitical context characterised by the systematic dismantling of migrants’ life-support infrastructures and by ways of governing by making them sick. Although the article is essentially theoretical in character, it zooms into the UK, Greece and Italy for briefly retracing a genealogy of

² Foucault, “*Society Must Be Defended*,” 234.

³ Foucault, *The Punitive Society*, 173.

hostile environment (UK), the making of punitive environments in relation to broader erosion of life-support infrastructures (Greece), and the interlocking subjugations between migrants and citizens enforced through this widespread punitiveness.

2. Governing migrants by eroding life-support infrastructures

The emergence of punitive environments must be situated within a broader transformation in the power's hold over migrants' lives that has unfolded across Europe over the last decade. People who are labelled as 'migrants' in Europe, are increasingly governed by making them sick, both psychologically and physically: confining migrant persons to insalubrious spaces and dismantling their life-support infrastructures have been turned into political technologies for disrupting their incorrigible presence. By life-support infrastructures I refer to the spaces, resources and social relations that enable collective forms of liveability and the cultivation of aspirations. These include housing, access to food and healthcare, humanitarian support, informal networks, and the conditions necessary for sustaining social reproduction on an intergenerational level.⁴

While a growing body of scholarship has observed, the 'politics of injury' has long shaped practices of migration containment,⁵ today this has been consolidated into an enduring political technology for disrupting migrants' lives and undermining their spaces of collective liveability.

Indeed, despite the proliferation of bilateral agreements since 2015 for hampering migrants from reaching the European shores, migrants keep coming into Europe: while the EU's political agenda, and the new EU Pact in particular, pivot around fastening deportations and multiplying agreements with third-countries, in practice state authorities cope with migrants' incorrigible presence by debilitating and injuring them.⁶ More concretely, this is enacted by withdrawing humanitarian and medical support in sites of confinement – like refugee camps and reception centres –, while at the same time dismantling any autonomous space of liveability and forcing migrants into a psycho-physical debilitation. This mode of governing migrants' lives through the curtailment of humanitarianism recalls what Neferti X.M. Tadiar has defined as "modes of life lived and

⁴ Rigo, *Migration, Asylum and Exploitation*.

⁵ Davies et al., "The Politics of Injury"; Minca et al., "Rethinking the Biopolitical."

⁶ Puar, *The Right to Maim*.

practices of living that are remaindered in the process of production of biopolitical life.”⁷

In fact, this European trend is visible both in countries of first arrival – such as Greece and Italy – and in Northern European countries, despite the more flourishing economies.⁸ The dismantling of life-support infrastructures is enacted through a series of administrative measures and spatial tactics oriented at hampering migrants from becoming asylum seekers and, disregarding their legal status, from accessing socio-economic rights and coping with their livelihood.

Linking the making of punitive environments to modes of governing by suffocating migrant lives and making them sick is crucial, I suggest, since the systematic attack to life-support infrastructures does something more – and different – than producing misery and exercising cruelty over migrants:⁹ it obstructs migrants from re-building life and from envisioning a liveable future on an intergenerational level: by violently dismantling life-support infrastructures, to be undermined are the possibilities of cultivating aspirations and desires.¹⁰ Although we need to caution against analyses that read the present moment in terms of unprecedented shifts, it is worth noticing that Covid-19 constituted an important watershed in the transformations that occurred in the European border regime.¹¹ Indeed, during the protracted lockdowns that asylum seekers in Europe have been subjected to techniques of control that responded to a ‘confine to protect’ rationale: migrants have been kept in camps and in enclosed spaces repurposed for that goal – such as ships – , in the name of an insidious and ambivalent logic of protection, according to which migrants constituted a health threat for citizens, as potential virus spreaders, and at the same time they should be protected from the risk of exposure to Covid-19.

The obligation for a quarantine period for the newcomers was paradoxically enforced in many sites by keeping migrants in overcrowded and insalubrious spaces. In the years 2020-2022 some key re-arrangements

⁷ Tadiar, *Remaindered Life*, 24

⁸ For instance, in Belgium, in 2024 the government has restricted asylum seekers’ access to both the asylum procedure and to the hosting system: migrants who already claimed asylum in another EU’s country are blocked from lodging an asylum application and excluded from refugee accommodations. The following year, the right to social integration income had been restricted to refugees and asylum seekers who demonstrate their efforts to integrate in the social system.

⁹ Aradau, Canzutti, “Asylum, Borders, and the Politics of Violence.”

¹⁰ Khosravi, “Afterword.”

¹¹ Throughout the article I use ‘European border regime’ to designate migration policies enforced on the European continent – thus, including for instance also Great Britain and the Balkan countries. Instead, when I specifically refer to policies enforced by the European Commission I use ‘EU’s border regime’ or ‘EU’s agenda on migration’.

of the politics of asylum and the border regime occurred. More precisely, the outbreak of the pandemic paved the ground for introducing bordering mechanisms and changes in the relationships between states, humanitarian actors and 'the governed' that have then remained in place after the end of the Covid-19 emergency. Even if some of these measures had been implemented specifically for managing migrants' presence, and with the goal of dividing them from the rest of the population, it has progressively emerged that they concerned 'the governed' at large, encompassing both migrants and citizens. Indeed, at a close glance, Covid-19 has been seized as an opportunity to shrink and differentiate citizens' access to welfare and socio-economic rights. Struggles over social reproduction played a key role in the transformations that occurred in the politics of migration confinement: as Sandro Mezzadra and Brett Neilson have noticed, "the pandemic has exacerbated tensions between mobility and control in ways that shape the circulation of capital and the social reproduction of labour."¹²

3. Conceptualise punitive environments

Drawing attention to modes of governing migration by making them sick allows grasping the fields of conflicts opened by the multiple adjustments in the relationships between humanitarianism, state's institutions and labour economy. Such resorting to technologies of suffocation for tackling migrants' presence is symptomatic of the reconfiguration of the hostile environment approach to migration, which was introduced by the British government in 2012 and became popular in Europe at large, in terms of *punitive environment*. However, the moulding of the *hostile environment* in punitive terms should not be understood as a radical shift, and as the former being fully superseded by the latter. Rather, while if some key features of what the UK Home Office defined for the first time as 'hostile environments' for migrants are still in place, today such hostility acquires new articulations and functions, and it is better qualified as 'punitive'.

While hostile environments are characterised by making migrants' life unliveable in a certain place in order to deter them from settling down, punitive environments encapsulate an array of administrative measures, laws and spatial tactics to criminalise and punish those migrants who remain. As is well known, the notion of hostile environment emerged in the United Kingdom under the Conservative government led by David Cameron: introduced by then Home Secretary Theresa May in 2012, it sought to create 'a really hostile environment for illegal migration', whose

¹² Mezzadra, Neilson, "The Capitalist Virus," 199.

ultimate goal was to prevent a “situation where people think that they can come here and overstay because they’re able to access everything they need”¹³. In practice, the hostile environment logic is characterised by the fact that immigration controls are not confined to the borders and, rather, bordering mechanisms spread across society. This multiplication of borders within the social texture implies a second and interrelated shift: migration controls are no longer enforced exclusively by the police: hospitals, schools, banks, and other public and private actors had been coopted in enforcing such hostility, with immigration controls being deputised to them.¹⁴

In fact, through hostile environment policies illegalised migrants are excluded or expelled from the national health system and from education, and they are hindered from opening a bank account or renting a flat. Hostility is enacted by keeping migrants out from a range of life-support infrastructures, relying on citizens’ participatory policing, as well as on enhanced data exchange activities between institutions and private actors, which leads to a ‘digital hostile environment’.¹⁵

Therefore, the hostile environment approach was predicated more on a politics of deterrence, enforced also by exhausting migrants, more than through punishment: by restricting access to the infrastructures of life-support and by making their life unliveable, migrants would be inclined to leave and would not consider the UK a desirable place to stay. According to this governmental logic, migrants were deterred as excluded from the possibility to develop their own spaces and conditions of liveability: “hostile bordering practices in the UK,” Coddington stresses, “are embracing discomfort as a political strategy to deter migrants.”¹⁶ While originally conceived as an approach to be deployed in urban settings, the logic of hostile environments has been replicated on natural environments: “the process of making (mainly urban) space unliveable for some bears an eerie resemblance to the ways in which other, more ‘natural’ environments have been turned into hostile spaces.”¹⁷ It follows that to make migrants’ life difficult, restrictions to social security and rights went in parallel with the implementation of physical impediments and of harming technologies devised for weaponising the environment itself.

It is worth noticing an interesting terminological slippage that occurred in 2018, when the term was rebranded in the UK as ‘compliant environment’, to highlight that for making migrants life unliveable,

¹³ <https://www.telegraph.co.uk/news/0/theresa-may-interview-going-give-illegal-migrants-really-hostile/>

¹⁴ Goodfellow, *Hostile Environment*.

¹⁵ Narita, “The Digital Hostile Environment”; Ozkul, Godin, *Exclusion by Design*.

¹⁶ Coddington, “Incompatible with Life,” 1712

¹⁷ Pezzani, *Hostile Environments*.

citizens' active participation in policing migrants was needed. In order to check that only migrants who comply with the law stay in the country, the discourse goes, institutional at different scales and citizens alike must be compliant and report undocumented migrants. In the last decade, the governmental logic underlying the hostile environment approach travelled across Europe, although under diverse labels and enforcing it through slightly different tactics.¹⁸ The partial reconfiguration of hostile environments as punitive environments is less a matter of degrees – a progressive hardening of bordering mechanisms and an increasing of border violence – , than a question of the different tactics by which migrants' life is made unliveable, and the goals associated to that.

The target of punitive environment is less the undesirable migrant, conceived as a social threat or as a 'risky subject'¹⁹ than the welfare abuser, the predatory asylum seeker and the unruly migrant who cultivates her aspirations by enacting her freedom of movement.

Arguing that migrants' lives are disrupted through punitive environments is partially different from 'bordered penalty',²⁰ conceived as penalty directed at non-citizens. Indeed, the bordered penalty approach conceives that the "absence of formal membership is the essential factor contributing towards shifting the nature of penal intervention from reintegration into the society towards territorial exclusion."²¹ The making of punitive environments is also distinctive from 'crimmigration',²² which captures the "increasing overlap between criminal and immigration law."²³ More specifically, crimmigration captures a twofold trend: "the expansion of criminal grounds for deportation" and the "regulation of migration through immigration-related criminal grounds, such as unlawful re-entry, newer crimes [...] or crimes that by their nature involve non-citizens."²⁴

These trends are still firmly grounded in modes of managing migrants' presence and, actually, have been enhanced: deportations are one of the key pillars of the EU Pact and the legal leeway for incarcerating not only migrants but also people who hold international protection has been widened in Europe. Therefore, it might appear counter-intuitive to

¹⁸ For instance, in France after the last eviction of the 'jungle' of Calais in October 2016, French authorities have introduced the 'zero-point fixation' politics, that consists in harassing and chasing away migrants in border-zones, like Calais: thus, the goal of making migrants' lives unliveable is pursued by exhausting them and by hindering them from resting and temporarily settling down.

¹⁹ Aradau, "The Perverse Politics of Four-Letter Words."

²⁰ Fabini, Ferraris, "No Deportation but No Leniency Here"; Franko, "Bordered Penalty."

²¹ Franko, "Bordered Penalty," 521

²² Menjívar et al., "The Expansion of 'Crimmigration,' Mass Detention, and Deportation."

²³ Stumpf, "The Crimmigration Crisis" 381.

²⁴ Stumpf, "The Process Is the Punishment in Crimmigration Law," 61.

suggest a distinction between punitive environments and crimmigration. However, the point I want to make is that for understanding the underlying logic of punitiveness as a key tactic embedded both in migration policies and in the asylum system, it is necessary to scrutinise how it exceeds the juridical sphere and shape subjectivities.

As mentioned in the Introduction, punitiveness extends beyond formal legal infractions: it refers to modes of disrupting migrants' presence by criminalising what Michel Foucault in *The Punitive Society* has defined as "infra-legal illegality."²⁵ Focusing on individual and collective conducts of refusal to work in the nineteenth century, ranging from laziness to unruly mobility, Foucault has noticed how those irregularities were not infractions: to be criminalised were more modes of existence and, more precisely, unruly conducts that were stealing capital's condition for profit. Infra-legal illegalisms, Foucault explains, are enforced by the worker on his own body, through laziness: as long as he refuses to work, he "steals what he owes to the employer," which consists in putting his labour-power to work to the service of capital's accumulation.²⁶ In a similar way, the criminalisation of people governed as 'migrants' or as 'asylum seekers' exceeds the violation of the law and concerns their non-compliance with territorial fixation or geographical restrictions and with the moral economy of asylum.²⁷ Hence, punitiveness is not about unlawful conducts but unruly conducts, and criminalisation is not reduced to the sphere of criminal justice and, rather, encompasses the political and moral dimensions: migrants' autonomous geographies, defined by European Commission as 'secondary movements', as well as the enjoyment of socioeconomic rights are framed as abuses. Crucially, the effectiveness of punitive environments does not depend upon the actual implementation of punitive measures. Punitive environments are characterised by the criminalisation of migrants and refugees' presence as such: migrants are considered subjects to be punished insofar as they 'exploit' social security and, the discourse goes, abuse socio-economic rights, alongside the right to claim asylum. Although to be at stake is in part a punitive twist in immigration laws, what is remarkable is punitiveness as a latent condition that strengthens migrants' socioeconomic precarity and practices of criminalisation that are not narrowed to law's infringements. To put it differently, the punitive dimension does not necessarily translate into actual punishment or detention: rather, punitivity exceeds the implementation of punitive measures and, in a similar way to 'deportability',²⁸ it con-

²⁵ Foucault, *The Punitive Society*.

²⁶ Foucault, *The Punitive Society*, 173

²⁷ Beneduce, "The Moral Economy of Lying."

²⁸ De Genova, "The Legal Production of Mexican/Migrant 'Illegality'."

sists in the possibility, reiterated on a daily basis, of being punished. Hence, punitiveness concerns the persistent anxiety of being object of punishment, through detention or expulsion, but also by being criminalised on a social level, for one's own existence: disregarding whether punitive laws are enforced, they enhance migrants' precarity and exploitability. Indeed, recalling Nicholas De Genova's definition of deportability:

The disciplinary operation of an apparatus for the everyday production of migrant 'illegality' is never simply intended to achieve the putative goal of deportation. It is deportability, and not deportation per se, that has historically rendered undocumented migrant labour a distinctly disposable commodity.²⁹

Hence, the production of punitive environments relies on punitivity beyond the sphere of criminal justice and works by "feeding a sense of fragile entitlement."³⁰ Punitiveness concerns the persistent anxiety of being object of punishment, through detention or expulsion, but also by being criminalised on a social level, for one's own existence.

The redefinition of hostile environments as punitive environments in Europe stems from a combination of laws and administrative measures enforced both on an EU level – the EU Pact on Migration and Asylum – and on a national one, as well as from the re-articulation of public discourses on migration. A distinctive feature of current migration policies and discourses consists in targeting not only illegalised migrants but also refugees who, as clearly stated in the EU Pact, are depicted as rights' abusers. That is, regardless of the refugee status, migrant persons are depicted as unbearable socio-economic burdens and, consequently, as social threats. Therefore, while legal status used to function as a discriminatory threshold for migrants' social acceptability, today it is partially superseded by the grounded commonsense that racialised foreigners abuse welfare and put under pressure a labour market already in crisis. Hence, 'refugees as refugees' are deemed to be part of the 'migration problem'. In fact, as Bridget Anderson has contended, migration is about 'problematic mobility'.³¹

What emerges through the making of punitive environments is that the 'migration problem' encapsulates both problematic, racialised mobility and migrants' unbearable access to socio-economic rights. In fact, migrants and refugees' temporary or protracted presence is seen as predatory: the scarcity of socio-economic resources fuels what I have called elsewhere as "zero-sum rights' game,"³² according to which migrants'

²⁹ De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 438.

³⁰ Carvalho et al., "Punitiveness Beyond Criminal Justice," 15

³¹ Anderson, "New Directions in Migration Studies."

³² Tazzioli, *Border Abolitionism*,

access to socio-economic rights and to the job market goes to the detriment of citizens. Migrants and refugees' alleged exploitation of the social security system and of the labour market is seen not only as parasitic but, rather, as actively predatory.³³

4. The making of punitive environment in Europe

The governing of migrants and refugees through punitive environments has become quite visible across Europe, although it has been inflected in slightly different ways across national contexts. The approval of the EU Pact in 2024 foregrounds a generalised punitiveness in the restructuring of the EU's migration agenda: migrants' life will be made unliveable through the production of punitive environments. To give an example from the Pact, the new Asylum and Migration Management Regulation (AMMR), punishes 'unruly' asylum seekers who have dodged the mobility restrictions of the Dublin Regulation, by excluding them from the reception system as a whole – including the pocket money – from the moment when they are notified of the transfer to the responsible Member State. Indeed, the punitive environment is not equivalent to more discretionary detention and confinement for asylum seekers and, rather, concerns the potential punishment of their unruly conducts: indeed, as clearly stated in the Pact (AMMR section), “in order to limit the possibility that the behaviour of applicants could lead to the cessation or shift of responsibility to another Member State” the time limits leading to cessation of responsibility are extended when the person escapes the national territory or “absconds to evade a transfer.”³⁴ Punitiveness, as a latent and pervasive potentiality, turns out to be embedded in the very functioning of the asylum system.

This emerges quite glaringly in two key European countries of migrants' arrival, Greece and Italy, where state authorities have enforced a series of laws and administrative measures whose deliberate punitive character mirrors a widespread attack to the infrastructures of life support. More than the new laws per se and the implementation of punitive measures, what matters is the way in which they have boosted a latent punitiveness for migrants' conducts that are not in the breach of the law. The making of punitive environment in Greece culminated in the immigration legislation adopted by the Greek government in 2025. The new law con-

³³ See also Anderson, “Immigration and the Worker Citizen”; Bendixsen, Näre, “Welfare State Bordering as a Form of Mobility and Migration Control.”

³⁴ AMMR, “2024/1351.”

tributes to blur the distinction between migrants and asylum seekers and reveals that the risk of latent punitiveness prevails over actual punishment. Asylum seekers whose asylum claim has been rejected will be subjected to electronic surveillance and told to leave the country within 14 days; if they do not leave, they will be subjected to administrative detention of up to 5 years; people who look for jobs in Greece without authorisation to stay in the country might be imprisoned for up to 24 months. Migrants who have been in Greece with no permit to stay for more than seven years, won't be able to be regularised.

Although for migrants matters the extent to which these criminalising measures will be enforced, for the purpose of a critical knowledge of punitive immigration laws it is not sufficient to ground on an evaluation about the difficulties and possibilities of fully applying those legislations. The punitive character of this new law is not narrowed to its actual implementation and, indeed, we take into account statistics, the result is ambivalent at a first glance: since the implementation of the new law in September 2025, incarceration rate has increased but deportations have decreased in comparison to the previous year.³⁵ Moreover, even if this new law targets illegalised migrants (failed asylum seekers and unauthorised migrant workers), it should be analysed as part of the production of a broader punitive environment, that affects refugees as well. Women and men who hold the refugee status in Greece have been progressively excluded from financial-humanitarian support and housing – as soon as they obtain the refugee status, they need to leave the camps, and they stop receiving the cash assistance. Hence, despite the permit to stay in the country, many refugees are turned into homeless and struggle to cope with their livelihood.³⁶ Although the legal status is a *condicio sine qua non* for not being detained and deported, refugees are forced into a condition of protracted socio-economic precarity.

Hence, the making of punitive environments is not merely an exacerbation of hostile environments. Rather, first, punitive environments mould and redefine hostility towards migrants and refugees in terms of criminalisation of their existence and unruly conducts: the dismantling of life-support infrastructures is enforced by state actors, in cooperation with private and non-state actors, by actively harassing migrants. Second, while the hostile environment approach is deliberately directed at those labelled as 'migrants', punitive environments target individuals with different legal

³⁵ <https://rsaegean.org/en/deportation-and-immigration-detention-statistics-in-greece-in-2025/>

³⁶ Lafazani, "Residing (at) the Border: Ethnographies of Precarious Homes and Internal Borders."

status: the latent punitiveness runs across the legal-political spectrum and affect asylum seekers, refugees and illegalised migrants.

5. Punitive environments and interlocking subjugations

An insight into the Italian Security Bills helps us seeing that such punitiveness does not concern migrants only and it will reverberate on citizens as well. Although this is not directly contained in it, a lateral reading of the EU Pact, enables us situating this latter in undergoing wider sociopolitical transformations. Indeed, reading the Pact as a stand-alone piece of legislation would lead us to think that such downward motion in the access to rights and welfare concerns migrants only: as the Italian case demonstrates, the spiral of criminalisation and socioeconomic precarity affect citizens as well; the intertwining of immigration laws, security bills and urban banning orders foregrounds that the production of 'social dangerousness' is entrenched in the representation of asylum seekers and some citizens as rights abusers. Among the measures introduced, the Security Bill that passed in the Italian Parliament in 2025 exacerbates a purely punitive approach to migrants who, disregarding their legal status, organise or participate in uprisings, or engage in passive resistance in detention centers as well as in the hotspots.³⁷ In all the above mentioned cases, migrants will be punished with a prison sentence. Yet, the criminalisation of the uprisings is not narrowed to spaces of migration confinement; it also includes prisons and Italian detainees. Moreover, the security bill turns the occupation of buildings into a crime – even when the occupations are made for housing families in need. The enforcement of 'red zones' in Italy followed a similar logic: in autumn 2024, the Ministry of Interior ordered local governments (Prefectures) to establish 'red zones' in some Italian cities – Bologna, Milan, Rome, Florence, Naples, Palermo – , which consist in identifying "through specific ordinances, urban areas where dangerous individuals with criminal records are prohibited from entering, and then order their removal"³⁸.

³⁷ Any person who, while detained in detention centers or confined in a hotspot "participates in a riot through acts of violence or threats or resistance to the execution of orders issued for the maintenance of order [...] committed by three or more persons acting in concert, shall be punished by imprisonment for a term of one to four years [...] acts of resistance also include conduct involving passive resistance"; moreover, "those who instigate, organize, or lead the riot shall be punished by imprisonment for a term of one year and six months to five years (Art. 27, Security Bill, 2025).

³⁸ 'Zone rosse' nelle grandi città, direttiva del ministro Piantedosi per innalzare la sicurezza urbana | Ministero dell'Interno

Individuals who are labelled as socially dangerous receive an urban banning order (*Daspo*) and, if they do not comply with that, they are subject to a 3-month prison sentence. To date, more than 70% of the people who received an urban banning order in Italy are not Italian citizens. The high percentage, which is the outcome of racialised identity checks, has been flagged up by the government to show that Red Zones help protecting citizens from socially dangerous subjects, and conflating these with the image of non-white foreigners. Therefore, the implementation of Red Zones, confirmed under the Security Bill passed in 2026,³⁹ enhances racialising bordering mechanisms and, jointly, makes generalised police checks acceptable (Security Bill 2026). Punitive environments target migrants and refugees, turning hostility into a systematic police harassment towards them and trigger a pervasive anxiety of punitiveness, drawing on the widespread perception of migrants as predators and abusers of the welfare system.

Nevertheless, even if migrants and racialised citizens will be more harmed than others, many of the measures introduced for crafting punitive environments, criminalise citizens' conducts and violate the right to protest. Thus, the production of punitive environments for criminalising migrants' lives unfolds a widespread – although differential – erosion of socio-economic rights of citizens as well. Even when the production of punitive environments is intended to punish and criminalise migrants, their effects ripple across other marginalised populations, at times producing cross-cutting impacts on both citizens and non-citizens. The criminalisation of the uprisings is not narrowed to spaces of migration confinement; it also includes prisons and, thus, Italian detainees. Moreover, the Security Bills turn the occupation of buildings into a crime – even when the occupations are made for housing families in need.

In this respect it is worth noticing that it is precisely around housing that migrants and citizens' struggles have coalesced in the last few years; the criminalisation of squatting and occupation of buildings aims also at hampering the consolidation of transversal alliances. Under the Security Bills, roadblocks are also subjected to punishment and police's powers will be strengthened during public demonstrations. The making of punitive environments in Italy is emblematic of the ways in which the weaponisation of citizens' discontent and rage for migrants, that constitute the ground of many anti-immigration measures, is ultimately twisted against

³⁹ According to the 2026 Security Bill, "the prefect may identify specific urban areas characterized by serious or repeated incidents of crime or illegal activity, from which individuals who have been reported to the authorities in the past five years are to be removed."

citizens too or, more precisely, against some groups and by criminalising also citizens' conducts.⁴⁰

The policy discourses that sustain the making of punitive environments, strengthen a clear-cut divide between migrants and citizens, coopting the latter in policing racialised foreigners – by punishing migrants' non-compliance with the law with citizens' compliance. Yet, in practice, such punitiveness multiplies degrees of denizenship widening the spectrum of actions and conducts that can be potentially criminalised.⁴¹ Denizenship reveals the uncomfortable “otherness that operates within citizenship itself, and renders ostensible citizens as so many more denizens.”⁴² This “intensive policing of the urban poor” is characterised less by “petty states of exception” than by a proliferation of administrative measures, ad hoc decrees and legal measures enforced on the edge of the law.⁴³ In other words, more than suspending temporarily the rule of law, nation states, alongside passing bombastic anti-immigration laws⁴⁴ have multiplied what appear to citizens as *petty regulations*, that often pass unnoticed, or do not cause any flamboyant stir or uproar.

Hence, the production of punitive environment for disrupting migrants' lives unfolds a widespread – although differential – erosion of socio-economic rights of citizens as well. However, the interlocking mechanisms of precarisation are far from being a guarantee of transversal alliances between migrants and citizens. To the contrary, “migrants and low waged/unemployed citizens are competitors for privileges of membership” and, in fact, “marginalisation within citizenship, and of exclusion from citizenship are rarely considered together even as they clearly overlap.”⁴⁵ In this respect, René Kreichauf has cogently demonstrated how sub-standards housing for refugees has paved the ground in Berlin to “house other racialized and low-income populations that fall out of Berlin's regular housing market, thereby developing refugee accommodation.”⁴⁶ Therefore, while the EU Pact and recent national laws have been aptly criticized for fast-tracking deportations and widening the legal leeway for detaining asylum seekers, it is likewise fundamental to shed light also on less conspicuous crackdowns on migrants' life-projects, enforced through punit-

⁴⁰ Scalia, “Zone rosse.”

⁴¹ Shutes, “Work-Related Conditionality”; Turner, “We Are All Denizens Now.”

⁴² De Genova, “Denizens All,” 2015.

⁴³ Fassin, “Petty States of Exception,” 105.

⁴⁴ As it is the case for instance of the Greek new legislation on migration and asylum enforced in September 2025 that I mentioned in the previous pages, and that introduces harsh penalties for failed asylum seekers.

⁴⁵ Anderson, “Blurred Boundaries,” 2778.

⁴⁶ Kreichauf, “Accommodation for Profit, Not for Refugees,” 473.

tive environments and by depicting women, men and children who seek asylum as rights' abusers. The punitive twist that the Pact has boosted exceeds the enforcement of laws devised for detaining and deporting people who seek asylum in Europe, as criminalisation is a political and not merely a juridical act. Indeed, even if we cannot predict the numbers of asylum applicants who will be punished by the new European and national immigration laws, governing migrants through punitive environments entails enhancing migrants' vulnerability and exploitability.

6. Infrastructures of life and dissent

The pro-refugee mobilisations as well as the spontaneous humanitarian support given to women, men and children seeking asylum in Europe in 2015 has been weakened, and migration itself struggles to work as a political catalyst for broader mobilisations. This is partly the result of a global authoritarian conjuncture,⁴⁷ and in part it is the effect of a progressive criminalisation of migrant solidarity and of refugees as rights' abusers. The transformations occurred in the border regime since the onset of what European states have defined as 'refugee crisis' in 2015 do not constitute a clearcut watershed. Indeed, it would be misleading to fall in the dehistoricising trap of presentism, reproducing involuntarily the scripts of the emergency or of the crisis. As part of the systematic attempt to dismantle refugees' life support infrastructures, the hostile environment approach to migration has been reconfigured in terms of latent but pervasive punitiveness, what I have called *the making of punitive environments*. To be potentially punishable are migrants and refugees' unruly conducts and, more broadly, their existence as a whole.

However, what is going on across Europe mirrors a global trend, from Argentina and Chile, where punitive anti-immigration measures have been the backbones of the recent electoral campaign, to India, Tunisia, Algeria, the United States, Turkey, Japan and Pakistan, just to name a few. For this reason, a challenge to 'the punitive environments of migration' requires complicating analyses that posit the desirability of borders as an essentially European or Western-centered priority. Punitive laws are flaunted by states as a way for strengthening the boundaries of the nation and, relatedly, the exclusionary criteria of belonging, considering that immigration controls are "crucial technologies for nation-making (and nation-maintaining) strategies."⁴⁸ Such widespread anti-immigration consensus

⁴⁷ Hardt, Mezzadra, "A Global War Regime."

⁴⁸ Sharma, *Home Rule*, 3.

appears even more pernicious if we consider that it cuts across political coalitions. Yet, such transversal anti-immigration consensus, which reinforces a robust opposition between ‘us and them’, overshadows that punitive mechanisms boost a downward spiral that affect migrants and citizens, multiplying hierarchies of citizenship.

As Nicholas De Genova notices referring to the US context and the ripple effects anti-immigration policies, “we are all illegal now”: that is, the harsh measures against migrants have actually “rendered indistinguishable and undecidable the putative nation’s ostensible ‘inside’ and ‘outside’.”⁴⁹ The global anti-immigration commonsense pushes us to envision a constituent counter-discourse on migration, which is not simply counter-punctual to the making of punitive environments and that, rather, foreground interlocking practices of freedom, beyond the migrant/citizen divide. In such a context, the dismantling of life-support infrastructures that target migrants more violently through punitive environments but increasingly concern citizens as well, appears as a political catalyser for constituent practices that aim at building up and re-building starting from the erosion of collective spaces of liveability.

Indeed, life-support infrastructures reveal not only the socio-material conditions for carrying on a liveable life but also the fact that individuals are inextricably connected to each other and that, in order to survive, they need to be sustained by a social environment.⁵⁰ Such mutual interdependency foregrounds a leeway for turning the violent erosion of life-support infrastructures on its head, paving the ground for what Alan Sears has defined as ‘infrastructures of dissent’: organising collective acts of desertion to oppose the coaptation of citizens in anti-immigration policing, and rebuilding spaces of liveability are part of the same struggle against transversal punitive environments.

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⁴⁹ De Genova, “We Are All Illegal Now.”

⁵⁰ Butler, “Rethinking Vulnerability and Resistance.”

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