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ARTICLE

Everything Everywhere All at Once – From Migration as Sequence to Migration as Simultaneity

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Abstract

This Article investigates how law conceptualizes the temporality of migration, exposing a mismatch between the legal framework and migrants' lived experiences. It shows that the dominant mode, which views migration as a sequential process, fails to capture the realities of migration. The Article argues that both epistemic and human rights arguments call for remedying this mismatch. In response, it introduces migration as simultaneity, which better reflects migrants' experiences and the interplay between space, place, and time in migration and belonging.

The argument proceeds in three stages. First, it examines migration as a sequence, the prevailing concept embedded in international, European, and domestic migration and citizenship laws. This sequential framework operates through linearity and temporariness, which function as primary mechanisms for governing inclusion and exclusion. Second, drawing on migration studies and anthropology, it critiques this model, showing its inability to account for how migrants perceive and experience migration and belonging. Finally, it argues that strong power asymmetries shaping the regulation of migration demand a temporal conception that better aligns with migrants' lived experiences. To this end, it advances migration as simultaneity and suggests that this concept can inform legal frameworks regulating migration and belonging.

Keywords: Migration law; temporalities; citizenship; belonging; transnationalism; simultaneity

A. Introduction

In the film *Everything Everywhere All at Once*, Evelyn Quan Wang, a middle–aged Chinese immigrant who runs a laundromat with her husband, is confronted with the existence of parallel universes. Her "Alpha-husband" Waymond explains to her that countless parallel universes exist, created by the infinite possibilities of life choices. Alpha-Evelyn develops a "verse–jumping" technology that allows individuals to access the skills, memories, and bodies of their alternate selves by performing peculiar actions. This concept of "verse-jumping" is presented as a mechanism to materialize the hybridity and simultaneity of existing in two parallel worlds. The characters in the film are not confined to a single identity; instead, they possess multiple identities, as they exist in various versions across parallel universes. Similarly, they do not inhabit just one universe but simultaneously live in many.[1]

The notion of multiple lives and hybrid identities across parallel universes resonates deeply with the lived experiences of many migrants. Migrants often navigate their lives not solely within

[1]Everything Everywhere All at Once, Amazon Prime (A24 2022).

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one place, one society, or one "universe," but across at least two. Depending on their location and the specific social context, they may adapt their behavior, emphasize different aspects of their personality, practice distinct rituals, identify in varied ways, and even exhibit different social skills. In essence, migrants perform different roles depending on the social and cultural contexts they inhabit. The film portrays parallel universes as a phenomenon of simultaneous experience, where characters experience the same moment across different universes and can shift between their identities in the various universes. This portrayal mirrors the reality of many migrants, who live their lives across parallel places, societies, and contexts simultaneously. Like Evelyn and Waymond, migrants often shift between their respective "universes" and identities, albeit within the constraints of regulatory frameworks. Many migrants maintain connections to their home country, travel back and forth, and continue to observe the traditions and cultural practices of their home society while living abroad. In this sense, "verse–jumping" does not necessarily require crossing physical borders; it can also occur within a single country.

However, the dominant understanding of migration's temporality fails to account for this hybridity or the existence of parallel universes in migrants' lives. Migration is often conceptualized as a linear process with a defined beginning, namely crossing borders, and a clear endpoint, either integration into a new country or return. In both legal frameworks and public discourse, migration is frequently portrayed as a sequential process, dividing life into distinct phases: before entering a new country and after that event. While many legal systems recognize and protect migrants' ties formed in the host country, those ties do not automatically shield even long–term residents from expulsion if they also maintain significant connections to their country of origin. In many jurisdictions, such transnational links are treated as evidence that the person can reintegrate "back home," thereby legitimizing removal from the host state. Contemporary migration law thus often discounts and at times penalizes transnationality in favor of a linear, exclusive model of integration into the host society. For other migrants, the ties developed in the host country are simply legally irrelevant. For low-skilled migrants, including seasonal workers, the law treats migration as temporary and typically bars them from permanent residence or citizenship; any ties they develop in the host country carry no legal weight. By contrast, highly skilled migrants often receive expedited access to permanent residence and a clear path to citizenship, irrespective of ties elsewhere and sometimes even with limited attachment to the host country. These contrasting regimes reveal a hierarchy of migration value and the varying legal significance attached to social ties across jurisdictions.

While a considerable amount of literature already deals with how the law shapes migrants' experiences of time through waiting periods, temporal manipulation, and legal fictions,[2] less attention has been paid to how the law conceptualizes the temporality of migration itself and thereby shapes migration and belonging. This Article aims to close this gap. It argues that the currently dominant framework, which views migration as a sequential process, fails to adequately capture migrants' lived realities. It suggests that migration law ought to take migrants' lived experiences more fully into account to address its constitutive power asymmetry and to render it

[2]*See generally* Melanie Griffiths, *Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees*, 40 J. Ethnic & Migration Stud. 1991 (2014); Timespace and International Migration (Elizabeth Mavroudi, Ben Page & Anastasia Christou eds., 2017); Martina Tazzioli, *The Temporal Borders of Asylum. Temporality of Control in the EU Border Regime*, 64 Pol. Geography 13 (2018); Tobias Eule, Lisa Marie Borrelli, Annika Lindberg & Anna Wyss, Migrants Before the Law: Contested Migration Control in Europe (2019); Bridget Anderson, *And About Time Too . . . : Migration, Documentation, and Temporalities*, *in* Paper Trails 53 (Sarah B. Horton & Josiah Heyman eds., 2020); Stealing Time: Migration, Temporalities and State Violence (Monish Bhatia & Victoria Canning eds., 2021); Waiting and the Temporalities of Irregular Migration (Christine M. Jacobsen, Marry-Anne Karlsen & Shahram Khosravi eds., 2021); Melanie Griffiths, *Interrogating Time and Temporality in Migration Governance*, *in* Handbook on the Governance and Politics of Migration 316 (Emma Carmel, Katharina Lenner & Regine Paul eds., 2021); Martijn Stronks, Grasping Legal Time: Temporality and European Migration Law (2022); Martijn Stronks, Patricia Mindus & Rebecca Thorburn Stern, *The Role and Meaning of Time in European Migration Law*, 31 Eur. Pub. L. 291 (2025).

consonant with an emancipatory conception of human rights. Ultimately, the Article introduces the concept of migration as simultaneity to better reflect the lived reality of migrants and the complex interplay among space, place, and time in the context of migration and belonging.

In the first part of the Article (Section B), I examine migration as sequence, the prevailing concept embedded in international, European, and domestic migration and citizenship laws. This sequential framework operates through linearity and temporariness, which serve as the primary mechanisms for governing inclusion and exclusion. In the second part (Section C), I draw on insights from migration studies and anthropology to show that this model fails to fully account for how migrants perceive and experience migration and belonging. I argue that these experiences should be better recognized by the law to address fundamental power asymmetries underpinning migration governance and to help realize the emancipatory potential of human rights. Finally, in Section D, I introduce the concept of migration as simultaneity, which aims to encapsulate migrants' lived experiences while highlighting the intersections of space, place, and time in the social practices of migration. A conclusion closes the Article.

B. Migration as Sequence

In public and legal discourse, migration is predominantly conceptualized as a process that unfolds as a sequence of events: It starts with the decision to migrate, followed by the actual crossing of the border into a new host country, and it ends with either return or naturalization. Of course, we may complexify this ideal typical sequence by adding the journey before crossing the border to the new country of residence or by considering that a significant number of migrants do not naturalize yet remain permanently in their host country. However, the bottom line remains that migration is understood as a process involving a clear distinction between before and after as well as between here and there. This section first introduces the concept of migration as sequence and its corresponding mode of analytical time, then discusses the governance of migration as a sequence, and finally the effects of this sequential thinking. Migration as sequence can be traced in international, European, and domestic migration and citizenship law. It translates into two modes of governing inclusion and exclusion that continue to dominate the legal regulation of migration and belonging: linearity and temporality. Sequential thinking about migration also supports selective and parochial imaginaries of the past that cut off the interrelation between the migratory histories of different world regions. Moreover, temporariness and linearity further entrench existing patterns of (global) inequality and exploitation.

I. Migration as a Sequence and the Mode of Analytical Time

Narratives about migration in public discourse and legal definitions of migration often use the distinction between before and after to identify crucial events during the lifetime journey of a migrant. "Before" typically refers to the time that precedes crossing the border of a country with the intention to establish a (permanent or temporary) residence there. The very definition of an international migrant as a person who is moving across an international border "away from their usual place of residence to a new place of residence"[3] reflects this distinction. Seen through this lens, migration appears to be a single event that breaks with the past. Speaking about before and after indicates a clear order of events through sequencing. The time after crossing the border is a distinct period from before, and the individual migrant is often perceived as or expected to be a different person with a (developing) new identity after migration. At the same time, migration comes with a temporal expectation regarding the presence in the new country,[4] as illustrated in the

[3]Int'l Org. for Migration, *Fundamentals of Migration*, https://www.iom.int/fundamentals-migration (last visited Sep. 18, 2025).

[4]*See generally* Stronks, Mindus & Stern, *supra* note 2.

UN's definition of international migration as requiring that "a person ha[ve] lived continuously for most of the last 12 months" in the host country.[5] Taking up residence is typically expected to involve integrating into the local society, often suggesting the need to sever ties with one's country of origin. Migration is supposed to end either through return or through naturalization as the ultimate stage of integration. The strong emphasis on the need to adapt to the culture and habits of the receiving society, as recently epitomized in the defense of "our European way of life"[6] or by the figure of the "real American,"[7] illustrates how migrants are perceived as becoming a new person in the sense of adopting a new identity that can only ever be "real" if it breaks with the past. At the same time, the increasing interest in promoting "voluntary return"[8] suggests that, if migration does not result in adaptation, it is often perceived as a merely temporary phenomenon that should end with a return to the home country. This implies that there is a life before migration and a life after migration that can be neatly distinguished. What is less reflected in our colloquial and public speaking about migration is the idea that people remain undecided, continue to practice the culture and religious rites they practiced in their country of origin or even blend different cultural practices into new ones. As the perception of the alpha-egos in the film illustrates, such hybrid practices are often depicted as suspicious, if not outright dangerous. They disrupt the clear distinction between before and after and are perceived as endangering full integration in the host country.

Distinguishing between before and after reflects an analytical approach to time. This approach views time from a bird's eye perspective, discerning the past, the present, and the future. It enables us to examine events and actions within a broader temporal context and understand their relationships with one another, without taking the perspective of those experiencing them in real time. It seeks to grasp a series of events in a temporal sequence.[9] Analytical time approaches events abstractly, independent of individual experiences and typically in hindsight. If we speak about time analytically, we are already aware of what happened next, i.e. the future outcomes of an event or action. Thus, we evaluate events and actions with this foresight in view.[10] Analytical time includes the possibility of events occurring simultaneously, thereby acknowledging that the present is composed of many actions and events taking place at the same time. However, this does not reverse the generally sequential thinking, for present events are still logically dependent on and separated from past events and preceding future events to come. In the dominant temporal conception of migration, being on the move and residing in a foreign country are seen as the "during" of migration. However, this period in the present remains clearly distinguished from before and after (return or naturalization) and is conceptualized just as one event in a sequence of events.

II. The Governance of Migration as Sequence

1. Temporariness as the Default Mode of Exclusion

Most residence permits restrict migrants to temporary stays in the destination country. A temporary residence permit requires migrants to leave the country and return to their place of

[5]United Nations Secretariat, Dep't of Econ. & Soc. Affs., Stats. Div., UN Recommendations on Statistics of International Migration and Temporary Mobility (2025) 7, https://unstats.un.org/unsd/demographic-social/sconcerns/migration/index.cshtml#migration-expert-group (last visited Oct. 2, 2025).

[6]For a critical reading of this claim, see generally Elspeth Guild, *Promoting the European Way of Life: Migration and Asylum in the EU*, 26 Eur. L.J. 355 (2020).

[7]Theodore R. Johnson, *Donald Trump Has Made It Clear: The Only "Real Americans" are White and Christian*, The Guardian (July 16, 2019), https://www.theguardian.com/commentisfree/2019/jul/16/trump-real-americans-white-christian.

[8]*Communication from the Commission to the European Parliament and the Council Empty, The EU Strategy on Voluntary Return and Reintegration*, COM (2021) 120 final (Apr. 27, 2021).

[9]Neil MacCormick, *Time, Narratives, and Law*, *in* 64 Time, Law, and Society: Proceedings of a Nordic Symposium Held May 1994 at Sandbjerg Gods, Denmark 111, 112 (Jes Bjarup ed., 1995).

[10]Gordon C. Winston, *Three Problems with the Treatment of Time in Economics: Perspectives, Repetitiveness, and Time Units*, *in* The Boundaries of Economics 30, 33 (Gordon C. Winston & Richard F. Teichgraeber eds., 1988).

origin when the permit expires or if they no longer meet its conditions. For refugees and other migrants under international protection, the concept of temporariness rests on the often unrealistic assumption that persecution or threats will end within a short time frame. Temporary residence permits are also the norm for labor migrants,[11] driven by the belief that labor migration should address immediate economic demands in the destination country. Scholars continue to debate whether the classification of a permit as "temporary" depends on its maximum duration, particularly because some migrants stay longer than initially planned or only apply for a temporary permit in the absence of alternative options.[12] Social scientists argue that the distinction between temporary and permanent residence is shaped by social and legal constructs that do not always accurately reflect actual migration patterns.[13] It is therefore essential to differentiate between the legal framework of temporary residence permits and the lived realities of temporary residence.[14]

Temporary residence permits operate on the assumption that migrant workers should not establish strong social ties or a sense of belonging in the host country, as prolonged stays make it increasingly difficult to justify their return and deny their permanent inclusion.[15] Temporary migration schemes often prioritize migrants' ties and relationships with their country of origin over the formation of new ties in the country of residence. These schemes frequently block pathways for migrants to transition from temporary to permanent residence permits and often make naturalization unattainable. In this way, temporariness functions as a mechanism to enforce the exclusion of migrants and to impose limits on their inclusion. Policymakers often use the temporary admission of certain migrants to justify restricting their rights.[16] Catherine Dauvergne and Sarah Marsden argue that granting some migrants only limited periods of residence while offering others a long-term perspective reinforces and legitimizes inequalities across different legal categories of migrants. This differentiation between temporary and long–term permits frequently aligns with the division between skilled and unskilled work, further entrenching the perception of this divide as natural rather than socially constructed.[17]

In practice, the boundaries of temporary migration schemes are often far less clear than their conceptual framework suggests. Many migrants in such schemes ultimately remain in the destination country permanently, either with or without authorization. Some successfully transition to other types of residence permits, while others overstay their visas. Migrants in need of international protection often require that protection for much longer than initially anticipated. Additionally, many labor migrants in temporary schemes are repeat players. They return to their countries of origin, only to later migrate again to the same or a new destination.[18] On paper, seasonal worker permits in many countries include strict temporal limits to prevent long-term relations with the host country. However, employers' and migrants' preferences often align in allowing the same worker to return each season. Temporary migration schemes across the globe reflect this ambiguity, sometimes more openly, sometimes more covertly. New Zealand just introduced two new visa options for seasonal workers: the Global Workforce Seasonal Visa

[11] *See* Catherine Dauvergne & Sarah Marsden, *The Ideology of Temporary Labour Migration in the Post-Global Era*, 18 CITIZENSHIP STUD. 224, at 226–32 (2014).

[12] Christiane Kuptsch & Fabiola Mieres, *Understanding Barriers to Social Justice, Protection Needs, Evolving Paradigms and Past Practices to Shape Future Temporary Labour Migration*, *in* TEMPORARY LABOUR MIGRATION: TOWARDS SOCIAL JUSTICE? 1, 2–3 (Christiane Kuptsch & Fabiola Mieres eds., 2025).

[13] *See generally* Ronald Skeldon, *Temporary, Seasonal, Circular and Permanent Migration: A Critical Appraisal*, *in* TEMPORARY LABOUR MIGRATION, *supra* note 12, at 19 (Christiane Kuptsch & Fabiola Mieres eds., 2025).

[14] On the difficulty of defining temporariness, see Marco Rocca & Audrey Deverson, *Time and Labour Markets in the Regulation of Temporary Labour Migration in the European Union*, 17 ITALIAN LAB. L. E-J. 261, 266–69 (2024).

[15] Dauvergne and Marsden, *supra* note 11, at 225.

[16] *Id.* at 231.

[17] *Id.*

[18] Steven Vertovec, *Circular Migration: The Way Forward in Global Migration Policy?*, 5 (Int'l Migration Institute, Working Paper, 2007).

(GWSV), targeting skilled migrants, and the Peak Seasonal Visa (PSV).[19] The GWSV is valid for three years, requires migrants to spend at least three months per year outside the country, and allows for a transition to other visa types, i.e. recognizes the possibility of becoming a long-term resident. The PSV is valid for seven months, requires a four-month break before reapplication, and does not allow a transition to other visa types. Canada has experienced decades of growth in temporary migration[20] but has recently adopted measures to curb the number of temporary workers, including annual caps and accelerated pathways to permanent residence for select skilled workers in certain in–demand sectors.[21] In the EU, Article 14 of the Seasonal Workers Directive allows a visa with a maximum duration of nine out of twelve months, after which a migrant must leave the country before being able to be readmitted.[22] Unlike other third-country nationals working in the EU, seasonal workers neither have a right to family reunification nor are they eligible to acquire a long-term residence permit.[23] While this prevents permanent residence, it does not necessarily prevent long-term ties. Many seasonal workers are repeat players, and some Member States even provide them with preferential treatment.[24] In South Africa, the Immigration Act 2002 provides for a corporate permit that allows employers to hire large numbers of migrant workers. Such a permit may, *inter alia*, be issued for seasonal work.[25] On this basis, migrant workers may then apply for a corporate work visa. In the Gulf region, the world's most popular destination for temporary work in terms of numbers, temporary labor migration is still governed by the Kafala system. This traditional system ties migrants' residence to the employer or the sponsor rather than to the state, thereby creating significant risks of exploitation. Despite attempts to reform the system, it still relies heavily on employer sponsorship and strict temporality, thereby increasing dependence between employers and migrant workers.[26] The strict temporality, however, only exists on paper and is circumvented by migrants and employers jointly.[27] Seasonal worker schemes, while aiming at temporary migration on paper, often result in circular[28] or even permanent, yet irregular, migration.

By tying the permission to enter the host country to the obligation to return to the country of origin after a specified period, temporary migration schemes frame migration as a finite event or a limited period in the present, rather than as a continuous process that encompasses connections to

[19]N.Z. Immigr., *New Seasonal Visa Pathways to Support Workforce Demand*, https://www.immigration.govt.nz/about-us/news-centre/new-seasonal-visa-pathways-to-support-workforce-demand/ (last visited Nov. 25, 2025).

[20]Gov't of Can., *Research to Insights: Temporary Foreign Workers in Canada*, https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/statistics-open-data/immigration-stats/students-workers.html (last visited Mar. 16, 2026).

[21]Gov't of Can., *Understanding Student and Temporary Worker Numbers in Canada*, https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/statistics-open-data/immigration-stats/students-workers.html (last visited Mar. 16, 2026).

[22]Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the Conditions of Entry and Stay of Third-Country Nationals for the Purpose of Employment as Seasonal Workers, 2014 O.J. (L 94) 375–90.

[23]Council Directive 2003/109/EC of 25 November 2003 Concerning the Status of Third-Country Nationals Who are Long-Term Residents, 2004 O.J. (L 16) 44–53. On the rights of seasonal workers in the EU, see generally Margarite Helena Zoeteweij, *The Seasonal Workers Directive: Another Vicious Circle?*, *in* Towards a Decent Labour Market for Low-Waged Migrant Workers 129 (Conny Rijken & Tesseltje De Lange eds., 2018).

[24]Ausländerbeschäftigungsgesetz [AusIBG] [Austrian Foreign Employment Act], Bundesgesetzblatt [BGBl] No. 218/1975, §§ 5 (6a) and 12d, https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008365 (Austria).

[25]South African Immigration Act 13 of 2002 § 21(4)(c).

[26]Abdulaye Diop, Trevor Johnston & Kien Trung Le, *Migration Policies Across the GCC: Challenges in Reforming the Kafala*, *in* Migration to the Gulf: Policies in Sending and Receiving Countries 33, 38–41 (Philippe Fargues et al. eds., first published 2018 ed. 2018).

[27]*Id.* at 46.

[28]On the distinction between temporary and circular migration on an empirical level, see Zvezda Vankova, Circular Migration and the Rights of Migrant Workers in Central and Eastern Europe: The EU Promise of a Triple Win Solution 10 (2020).

both the past and the future. Migrants are often expected to preserve their ties and relationships with their country of origin, yet their past holds little relevance to their present in the destination country. Due to their limited access to permanent residence permits, their future is often envisioned as taking place in their country of origin rather than in the country where they currently reside. As a result, migration is framed as a series of present moments in the host country, disconnected from the migrant's past or future, which are presumed to exist elsewhere. This neatly illustrates the interconnectedness of the spatial side and the temporal dimension of temporary migration schemes.

Circular migration, however, has not been understood solely as a concept empirically describing recurrent movements between countries of origin and destination. Instead, it also became popular as a policy scheme that aims to facilitate such movements while still seeking to prevent long-term and permanent migration. Circular migration schemes had their heyday in the early 2000s.[29] However, they are still discussed in policy documents,[30] not least because of the promise of a triple win associated with this model, i.e., beneficial outcomes for migrants, host states, and home states.[31] Seasonal worker schemes and circular migration schemes typically fall short of proper free movement regimes, which allow for open pathways for entry and stay in another country based on bilateral or supranational agreements.[32] Even when allowing for recurrent movements, the seasonal and circular migration schemes in place fail to acknowledge that migrant workers often form connections with their host society and develop a sense of belonging in both their country of origin and their country of residence. By conceptually seeking to prevent long-term and permanent migration permits and often limiting mobility between the countries of origin and residence, temporary migration schemes do not account for this simultaneity of belonging. Instead, they treat the ties migrants establish in the host society as purely functional, primarily economic, and strictly temporary, without recognizing their impact on a migrant's sense of identity or feelings of belonging. By contrast, ties with the country of origin are treated as given and highly resistant, not as something that requires attention or maintenance. What is worse, such techniques of ensuring temporariness may even enable states to "devalue" migrants' lived time by keeping them in a perpetual state of insecurity or temporary residence, denying them access to permanent residence permits or the possibility of naturalization.[33]

This conception of temporariness embodies the principle of exclusive attribution, a normative and structural tenet of international law that asserts migrants' permanent belonging to their country of origin. While migrants may reside elsewhere temporarily, this principle assumes that their primary or even exclusive ties remain with their country of origin.[34] This perspective aligns with the traditional view of migration in international law. International legal frameworks on migration, developed in the early twentieth century and referred to as international alien law, approached migration solely through an intergovernmental lens. Accordingly, international law recognized states as subjects, but not individuals, such as migrants. Any harm to a migrant's legal status was regarded as a violation of the rights of their state of nationality.[35] This tie to the state of nationality restricted migrants from achieving full legal integration in their destination country.

[29]On the development of the idea of circular migration and its realization in EU policy, see *id.* at 3–12, 43–63.

[30]G.A. Res. 73/195, Global Compact for Safe, Orderly and Regular Migration, Objective 5d, https://www.iom.int/resources/global-compact-safe-orderly-and-regular-migration-res-73-195 (last visited Apr. 4, 2026); *Communication from the European Commission on Skills and Talent Mobility*, at 14, COM (2023) 715 final (Nov. 15, 2023).

[31]On the challenges of realizing "triple win," see generally Rainer Bauböck & Martin Ruhs, *The Elusive Triple Win: Addressing Temporary Labour Migration Dilemmas through Fair Representation*, 10 Migration Stud. 528 (2022).

[32]On the definition and global spread of free movement regimes, see Free Move, *About*, Univ. of Bristol, https://www.freemovehub.com/about/ (last visited Jan. 30, 2026).

[33]Melanie Griffiths, *The Changing Politics of Time in the UK's Immigration System*, *in* Timespace and International Migration 48, 55–56 (Elizabeth Mavroudi, Ben Page & Anastasia Chrēstu eds., 2017).

[34]Anuscheh Farahat, Progressive Inklusion: Zugehörigkeit und Teilhabe im Migrationsrecht, ch. 2 (2014).

[35]See *id.*

Additionally, this bond to the state of nationality ended upon naturalization in another state, as international law required exclusive allegiance to one state.[36] This illustrates how migration governance based on temporariness reinforces a linear understanding of migrants' belonging, ignoring the possibility of simultaneity and imposing a rigid distinction between before and after, particularly in the context of naturalization. Meanwhile, international human rights law has significantly modified this principle. Migrants are recognized as rights-holders under international law.[37] Moreover, double nationality is accepted by an increasing number of states worldwide.[38] Yet the intergovernmental perspective on migration still transpires through many legal regulations and policy proposals, as the recent Talent Partnership initiative by the EU Commission illustrates.[39] Moreover, human rights are notoriously difficult to invoke for migrants whose residence permit is only temporary or even precarious.[40] The continuing impact of the intergovernmental paradigm in migration governance is also reflected in the still prominent talk of the "sovereign right" of nation-states to control the entry to their territories and thereby also the rights of migrants admitted to the country.[41] Despite the fact that sovereign control over immigration only emerged in the late nineteenth and early twentieth centuries,[42] appeals to absolute sovereignty often treat migrants' rights as an exception to the rule instead of as interests equal to the state's. Migration is thereby portrayed as an exceptional field in which universal human rights only apply with significant modifications, to continue allowing a distinction between citizens and non-citizens. For Dauvergne and Marsden, this inherent distinction renders "rights talk" in the context of temporary (labor) migration suspect, as it can make unequal treatment appear as "natural and inevitable."[43] They identify an "ideology of temporary labor migration" that creates fundamental inequalities by denying migrants access to the "political realm," as understood in Hannah Arendt's conceptualization of citizenship.[44] Even if one does not agree with the assessment that the rights of migrant workers are made irrelevant, their analysis shows how temporary migration regimes reinforce the expectation of exclusive belonging and uphold the assumption that states possess a sovereign right to deny migrants access to rights. Temporariness thus functions as a key mechanism for excluding migrants from rights.

2. Linearity as the Default Mode of Inclusion

While temporariness remains the default temporal mode for the exclusion of migrants, an increasing number of states allow temporary migrants to transition to permanent residence permits, provided they meet specific conditions. The EU long-term resident directive, for instance, grants a right to long-term residence to all regular migrants who have "resided legally and

[36]Convention on Certain Questions Relating to the Conflict of Nationality Law pmbl. & art. 5, April 13, 1930, 179 L.N.T.S. 89.

[37]*See generally* Ryszard Cholewinski, *Human Rights of Migrants: The Dawn of a New Era?*, 24 Geo. Immigr. L.J. 585 (2010); Ruth Rubio Marín, Human Rights and Immigration (2014); Marie-Bénédicte Dembour, When Humans Become Migrants: Study of the European Court of Human Rights with an Inter-American Counterpoint (2015); Cathryn Costello, The Human Rights of Migrants and Refugees in European Law (2016); Jürgen Bast, Laura Holderied & Maximilian Aigner, *Humanrightization. Theses on a Theory of Discursive Practice in Migration Societies* (Hum. Rts. Discourse in Migration Societies, Working Paper No. 2, 2025), https://www.medimi.de/kontext/controllers/document.php/368.0b4a51.pdf.

[38]Int'l L. Comm'n, Draft Articles on Diplomatic Protection, arts. 6, 7, & 9, U.N. G.A. A/61/10, https://untreaty.un.org/ilc/texts/instruments/english/commentaries/9_8_2006.pdf (2006); European Convention on Nationality arts. 14, 16, & 17, Nov. 6, 1997, E.T.S. No. 166.

[39]*Communication from the European Commission on Skills and Talent Mobility*, at 1, 14, COM (2023) 715 final (Nov. 15, 2023).

[40]Dauvergne and Marsden, *supra* note 11, at 236.

[41]Karin De Vries & Thomas Spijkerboer, *Race and the Regulation of International Migration. The Ongoing Impact of Colonialism in the Case Law of The European Court of Human Rights*, 39 Neth. Q. Hum. Rts. 291, 296–97 (2021).

[42]Vincent Chetail, *Sovereignty and Migration in the Doctrine of the Law of Nations: An Intellectual History of Hospitality from Vitoria to Vattel*, 27 Eur. J. Int'l L. 901, 914–21 (2016).

[43]Dauvergne and Marsden, *supra* note 11, at 237.

[44]*Id.* at 238.

continuously" in a Member State for five years.[45] This excludes only diplomatic and consular staff, au pairs, and seasonal workers. Similarly, German migration law, in principle, grants all legally admitted migrants the right to obtain a permanent residence permit, provided they have held a residence permit for five years and meet additional requirements, such as demonstrating language proficiency and contributing to social security for sixty months.[46] In Latin America and the Caribbean, almost all countries allow migrants to obtain permanent residency. The required time spent in the country typically varies between three (e.g. Argentina, Costa Rica, and Nicaragua) and five years (e.g. Belize, Columbia, Guatemala, and Honduras).[47] Some bi- or multilateral free movement regimes provide for privileged and expedited access to permanent residency for nationals of the countries participating in the respective treaty. While such expedited access is provided for in the Mercosur Residency Agreement[48] and the Andean Migratory Statute,[49] other free movement regimes such as the EU, the Caribbean Community (CARICOM) and the Central American Integration System (SICA) do not provide for expedited access to permanent residency.[50] EU regulations provide for access to permanent residency after five years, thereby applying a residence requirement at the upper end of the usual spectrum.[51] Such regulations reflect the principle of progressive inclusion, which exists in tension with the principle of exclusive attribution in international law. It requires access to rights and participation for migrants, according to the development of their ties to the country of residence.[52] International law documents on migrant workers' rights also reflect the principle of progressive inclusion. Article 52 (3) of the UN Migrant Workers' Convention[53] provides that states should allow migrant workers to freely choose their remunerated activity no later than after two years of lawful residence and that labor market needs tests should not be applied to a migrant worker for longer than five years. Article 14(a) of the International Labour Organization (ILO) Migrant Workers Convention also provides for the free choice of remunerated activities after two years of residence.[54] Article 8 of the ILO Migration for Employment Convention[55] requires states not to return a migrant worker and their family member to their home country solely because they are unable to perform their occupation due to illness or injury. This rule should apply at the latest after five years of residence. As with the rules on permanent residence, these provisions illustrate a policy approach that rewards continuous residence in the host country with a gradual increase in rights.

In practice, migrants with temporary residence status may not always qualify for permanent residence under the conditions prescribed by law. The EU long-term residents directive explicitly excludes seasonal workers, who represent the most common form of temporary labor migration.[56]

[45]Art. 4 (1) Council Directive 2003/109/EC of 25 November 2003 Concerning the Status of Third-Country Nationals Who Are Long-Term Residents, 2004 O.J. (L 16) 44–53.

[46]Aufenthaltsgesetz [AufenthG] [German Residence Act], May 8, 2024, Bundesgesetzblatt [BGBl I 2024 No. 152] § 9.

[47]Diego Acosta & Jeremy Harris, Migration Policy Regimes in Latin America and the Caribbean Immigration, Regional Free Movement, Refuge, and Nationality 36 (2022).

[48]Mercosur Residency Agreement arts. 4 & 5, Dec. 6, 2002, Acuerdo sobre residencia para nacionales de los Estados partes MERCOSUR, Refworld (Mar. 21, 2014), https://www.refworld.org/legal/decreees/natlegbod/2014/102783.

[49]Andean Migratory Statute art. 1(xix), May 12, 2021, Gaceta Oficial del Acuerdo de Cartagena 2021, No. 4239, Decision No. 878, at 1.

[50]Acosta and Harris, *supra* note 47.

[51]Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the Right of Citizens of the Union and Their Family Members to Move and Reside Freely Within the Territory of the Member States, art. 16, 2004 O.J. (L 158) 77–123.

[52]Farahat, *supra* note 34.

[53]International Convention on the Rights of All Migrant Workers and Members of Their Families, Dec. 18, 1990, 2220 U.N.T.S. 3.

[54]ILO Migrant Workers Convention (Convention No. 143), June 24, 1975, 1120 U.N.T.S. 323.

[55]ILO Migration for Employment Convention (Convention No. 97), July 1, 1949, 120 U.N.T.S. 71.

[56]Council Directive 2003/109/EC of 25 November 2003 Concerning the Status of Third-Country Nationals Who Are Long-Term Residents, art. 3 (2) (e), 2004 O.J. (L 16) 44–53.

Similarly, the German regulation applies only after migrants have contributed to social security for sixty months and held a residence permit continuously for five years. Such conditions can present substantial obstacles for most labor migrants in temporary migration programs. Even under many free movement regimes, access to long-term residence usually depends on further criteria that are challenging for fixed-term migrant workers to fulfil. Article 22(iii) of the Andean Migratory Statute and Article 5(d) of the Mercosur Residency Agreement require proof of sufficient means to cover the living expenses of the migrant and their family members. Beyond the frequently demanding requirements for economic contributions and language proficiency, the fundamental problem with most inclusion schemes lies in their reliance on a linear conception of time. Migrants qualify for additional rights and a more secure residence status only if they reside continuously in the host country. This linear approach assumes largely unidirectional migration patterns, in which a migrant either remains in the host country or returns to their country of origin, leaving no room for permanent back-and-forth movements, as longer periods spent outside the host country would interrupt their legal residence.

Linearity often extends beyond the requirement for continuous residence, influencing legal criteria such as language proficiency and the establishment of social ties. This dynamic is particularly evident in the context of protection against expulsion, where social ties are often framed as a zero-sum game: the stronger a migrant's ties to their country of origin, the less deserving they are perceived to be of protection against expulsion. The case law of the ECtHR illustrates this dynamic. The court generally requires states to take the established social and family ties of a migrant into account when issuing an expulsion decision.[57] In line with the idea of progressive inclusion, migrants' protection increases the more time they have spent in their host country and the stronger their social and cultural ties are. However, the court also assesses the extent to which migrants continue to maintain ties to their home country. In Kaya v. Germany, the court decided that the fact that a young man with strong social ties to the German society was not sufficiently integrated into the German labor market, had never applied for German citizenship, was fluent in Turkish and spent several weeks each year in Türkiye made his expulsion proportional.[58] While the linear passing of time appears to be a relatively neutral criterion that everyone can fulfill, the practice of linearity is far from such "democratic" availability.[59] Melanie Griffiths has highlighted that determining what constitutes a sufficient period of time spent in the host country for enhanced protection against expulsion is highly contested.[60] It is far from clear "what counts as 'most of' a person's life."[61] While some people's lifetime counts for the required period, others' do not. Apart from disregarding simultaneous ties and feelings of belonging, time is, in practice, not valued equally. While a migrant's life progresses and their sense of belonging endures, their legal status is disrupted, and their protection against expulsion may diminish if they spend extended periods outside the host country. Moreover, the time they spend in the host country is often only recognized under specific socio-economic and cultural conditions, such as achieving sufficient language proficiency, maintaining financial self-sufficiency, or making

[57]Boultif v. Switzerland, App. no. 54273/00 (Aug. 2, 2001), https://hudoc.echr.coe.int/fre?i=001-59621; Üner v. the Netherlands, App. no. 46410/99 (Oct. 18, 2006), https://hudoc.echr.coe.int/eng?i=001-23987. *See generally* Anuscheh Farahat, *Enhancing Constitutional Justice by Using External References: The European Court of Human Rights' Reasoning on the Protection against Expulsion*, 28 LEIDEN J. INT'L L. 303 (2015); Griffiths, *supra* note 33, at 53–55.

[58]Kaya v. Germany, App. no. 31753/02, paras. 64–65 (June 28, 2007), https://hudoc.echr.coe.int/eng?i=001-81338. Similarly, Baghli v. France, App. no. 34374/97, para. 48 (Nov. 30, 1999), https://hudoc.echr.coe.int/eng?i=001-58368; El Boujaidi v. France, App. no. 25613/94, para. 40 (Sep. 26, 1997), https://hudoc.echr.coe.int/eng?i=001-58099; Üner v. Netherlands, *supra* note 57, para. 62 (with explicit reference to "linguistic ties"); Samsonnikov v. Estonia, App. no. 52178/10, para. 88 (July 3, 2012) https://hudoc.echr.coe.int/eng?i=001-111842. The court applies this line of reasoning regularly ever since. For a recent case, see Miari v. Denmark, App. no. 2852/24, para. 39 (July 15, 2025), https://hudoc.echr.coe.int/fre?i=001-244099 (arguing that the applicant was not "incapable of making a life" in the country of origin).

[59]Griffiths, *supra* note 33, at 55.

[60]*Id.* at 54.

[61]*Id.*

adequate contributions to social security schemes. By qualifying linear time through the application of additional conditions, such as language proficiency and socio-economic success, the practice of linearity perpetuates and justifies structural inequalities.

Conceptualizing inclusion and belonging based on a linearity also implies a concept of migration being only a unidirectional move. Any practice of living in both the host and home states simultaneously, or of repeatedly moving back and forth, is considered to impair full belonging in the host country and may limit protection against expulsion. Belonging is understood as an exclusive social relation that can be meaningfully maintained only within one society. This conception of linearity and exclusive belonging is also visible in nationality law. In Biao v. Denmark, the ECtHR held that Denmark violated Article 14 in conjunction with Article 8 by applying the "28–year rule" to family reunification. Under that rule, only Danish nationals who had held citizenship for at least twenty-eight years were exempt from the "attachment requirement," which obliged applicants to demonstrate that their family's ties to Denmark were stronger than to any other country.[62] While the court's Grand Chamber found a violation of the Convention, the Chamber had previously refused to find a violation, arguing that, in the specific case, the applicant had held Danish nationality for only two years and that such a short period would justify the application of the "attachment requirement."[63]

The ideals of linearity and exclusive belonging to a single country also often govern nationality law. While the average requirement is around five years, fifty-four countries across the world's regions require ten years or more.[64] Such regulations are often coupled with a requirement for "permanent" (Austria), "continuous" (Nigeria, Philippines, Slovenia, Sudan, United Arab Emirates, Vanatu, Venezuela, Zambia, Zimbabwe) or "uninterrupted" (Liechtenstein, Montenegro) residence.[65] These laws typically frame naturalization as the final result of a long integration process, thereby echoing a linear concept of belonging. The linear conception of belonging in nationality law shows how linearity even further legitimizes practices of exclusion. Anne McNevin has argued that the notion of citizenship as a progressively attainable status not only legitimizes "uneven gradations of citizenship within and between states" but also conceals the effective denial of citizenship through continuous deferral.[66] Therefore, the practice of linearity as a tool of migration governance undermines the promise of equal access and neutrality that initially made it a promising tool for inclusion.

Further provisions in nationality law underline the ideal of linearity and exclusive belonging. In sixty-one countries, the acquisition of nationality still requires renunciation of previous nationality, and in seventy-two countries, citizens lose their nationality if they acquire the nationality of another state.[67] In other countries, citizenship laws disadvantage dual nationals, typically by allowing nationality to be withdrawn more easily if the person also holds the nationality of another country, thereby avoiding statelessness. While ostensibly designed to prevent statelessness upon deprivation of citizenship, these measures de facto discriminate against dual nationals. A case in point is Section 28(1) no. 2 of the German Nationality Act, which provides that a citizen loses their nationality if they "actively participate in fighting for a terrorist organisation abroad," provided this does not render them stateless.[68] Introduced in 2019, the rule in practice targets dual nationals—often with migration backgrounds—regardless of whether they maintain active ties to their other country of nationality. The prohibition of dual nationality and

[62]Biao v. Denmark, App. No. 38590/10, paras. 138–39 (May 24, 2016), https://hudoc.echr.coe.int/fre?i=001-163115.

[63]Biao v. Denmark, App. No. 38590/10, para. 106 (Mar. 25, 2014), https://hudoc.echr.coe.int/eng?i=001-141941.

[64]*See Global Nationality Law Database*, GLOBALCIT, https://globalcit.eu/national-citizenship-laws/ (last visited Mar. 16, 2026) [hereinafter GLOBALCIT Nationality Law Database].

[65]*Id.*

[66]Anne McNevin, *Time and the Figure of the Citizen*, 33 INT'L. J. POL., CULTURE, & SOC'Y 545, 549 (2020).

[67]See GLOBALCIT Nationality Law Database, *supra* note 64.

[68]Staatsangehörigkeitsgesetz [StAG] [German Nationality Act], July 22, 1913, BUNDESGESETZBLATT [BGBL I 2026 NO. 221] at 221, § 28(1), no. 2 (Ger.).

the discrimination against dual nationals further entrench the ideal of belonging as an exclusive relationship of allegiance rather than a complex social relation to multiple places and people.

A final issue with the temporal governance of inclusion is that the permanence promised by the paradigm of linearity is increasingly destabilized. Although permanence is a social construct that can only be fully recognized in retrospect, recent trends in migration governance have profoundly undermined trust in the stability of a status that is ostensibly promised to be permanent. States are increasingly relying on short-term permits and easing the revocability of permanent residence permits or nationality, particularly for dual nationals.[69] The Swedish government, for instance, has recently presented a proposal for legislation that would allow for a retroactive revocation of permanent residence permits granted on asylum-related grounds, thereby effectively rendering "permanent" into "until further notice."[70] Thereby, permanence through permanent residence status or naturalization is effectively re-temporalized for some migrants. The future-oriented expectations of these migrants are cut off in exchange for an omnipresent present that must be continuously earned.

III. Effects of Migration as Sequence

The sequential concept of migration not only affects migrants' present and future, but also profoundly shapes how we understand their past and the past histories of their home and host state. Conceptualizing migration as sequence and belonging as exclusive portrays migration as an exceptional situation. Rather than "normalizing"[71] migration as an experience that "has been part of human history throughout history,"[72] conceptualizing migration as a sequence of events and actions expects this social practice to be only temporary and to end either through return or naturalization. Sequential thinking thus reinforces the paradigm of state sovereignty over whom to admit and include, and whom to exclude or compel to return. By construing migration as exceptional and inherently temporal, it emphasizes migration as primarily a present-tense matter for the host state, largely detached from the migrant's past or the histories of the states involved. Recognition of the past is selective: the migrant's past is considered only to the extent that it signals ongoing ties to the country of origin that might enable return, and the historical relations between home and host states are likewise acknowledged only in part.

This final point reveals how host states use temporal framings of migration to shape societal imaginaries, while typically disregarding continuities between past and present movements. The past that is officially acknowledged and remembered generally is curated according to its perceived usefulness to contemporary interests and imperatives, thereby echoing the dominance of the "present" in liberal societies.[73] Host societies often portray themselves as previously being homogenous and cohesive societies with little tensions between religious or other minority groups, that have only been exposed to diversity due to the arrival of (unwanted) migrants. Just like temporal boundaries regarding citizenship law, the temporal conceptions of migration allow states to "harken back to a primordial vision of an original, true population to which the state seeks to return itself"[74] or which it seeks to preserve. This image of the past, however, is highly selective, as

[69]Stronks, Mindus & Stern, *supra* note 2, at 298.

[70]Rebecca Thorburn Stern, *When Permanent Turns Temporary*, VERFASSUNGSBLOG (Dec. 5, 2025), https://verfassungsblog.de/migration-sweden-proposal/.

[71]See the alleged goal announced by the European Commission, Directorate-Gen. Migration & Home Affs., *Understanding the EU Pact on Migration and Asylum* (May 29, 2024), https://home-affairs.ec.europa.eu/news/understanding-eu-pact-migration-and-asylum-2024-05-29_en.

[72]Global Compact for Safe, Regular and Orderly Migration (GCM 2018), *supra* note 30, para. 8.

[73]Philipp Dann, *Temporality and Liberal Constitutionalism*, *in* THE LIBERAL SCRIPT AT THE BEGINNING OF THE 21ST CENTURY: CONCEPTIONS, COMPONENTS, AND TENSIONS 215, 223 (Tanja A. Börzel, Johannes Gerschewski, & Michael Zürn eds., 2024).

[74]Neha Jain, *Manufacturing Statelessness*, 116 AM. J. INT'L. L. 237, at 251 (2022).

it typically ignores the fact that past societies have already been shaped by both immigration and emigration.

Notably, this image of a cohesive, homogeneous society disregards the century-long practices of colonialism that have created patterns of global inequality that continue to condition migration today.[75] Migration routes often mirror entrenched (colonial) ties between host and home states. Moreover, economic deprivation and political instability largely stem from past and ongoing patterns of global inequality and exploitation. Migration and citizenship laws of former colonial powers have long reflected these legacies through complicated and often racialized systems of privileged access for (some) members of former colonies.[76] These special regimes, however, have always been highly selective. Ancestry requirements privilege migrants able to prove familial links to Europeans abroad, reinforcing inequalities between European citizens and those deemed non-European. Global inequality has also been further entrenched through the way the EU has shaped its free movement regime. From the very beginning, member states deliberately excluded citizens of their former colonies from free movement rights,[77] but concluded Association Agreements with recently decolonized states that provided limited migration-related benefits to the nationals of former colonies.[78] In recent years, the EU has negotiated cooperation instruments that condition facilitated access to residence permits on partner states' efforts to deter irregular migration from third countries, thereby externalizing border control and recasting former colonial states as a "buffer zone."[79] The colonial legacy thereby connects some places and people but not others. The past remains a highly selective register, enabling migration to be cast as an exception while obscuring its entanglement with the historical roots of global inequality and further entrenching these inequalities.

In sum, a solely sequential understanding of migration obscures power relations and forms of domination, and it masks how past, present, and future overlap within and across the societies involved.

C. Migration as Experienced by Migrants

A sequential understanding of migration and a linear, exclusive concept of belonging fundamentally conflict with how migration is experienced. While migration is often portrayed in political and legal discourse as such a sequential and ordered process, migrants experience migration in a much messier, dynamic, and complex way (I.). The experience of migration can be better captured by complementing analytical time with perspective time (II.).

I. Transnational Ties and Complex Belonging

Since the 1990s, migration studies have identified transnational migration as a new pattern of mobility and belonging.[80] A crucial characteristic is the sustained movement of migrants between their country of residence and their home country, or other locales where family members or diaspora networks are based. These movements range from short visits to extended stays and may

[75]On this, see E. Tendayi Achiume, *Migration as Decolonization*, 71 STAN. L. REV. 1509, 1533–47 (2019).

[76]For the development in the EU, see Karim Fertikh, *Racializing the European Border: Free Movement of Workers and the (Former) Colonies*, *in* COLONIALISM AND THE EU LEGAL ORDER 81, 90–95 (Hanna Eklund ed., 2025); for Britain, see NADINE EL-ENANY, (B)ORDERING BRITAIN: LAW, RACE AND EMPIRE 73–132 (2020).

[77]Hanna Eklund, *Peoples, Inhabitants and Workers: Colonialism in the Treaty of Rome*, 34 EUR. J. INT'L L. 831, 850–53 (2023).

[78]*Id.* at 837–40.

[79]*See generally* Evangelia Tsourdi, Andrea Ott & Zvezda Vankova, *The EU's Shifting Borders Reconsidered: Externalisation, Constitutionalisation, and Administrative Integration*, 2022 7 EUR. PAPERS 87.

[80]*See generally* LINDA G. BASCH, NINA GLICK SCHILLER & CRISTINA SZANTON BLANC, NATIONS UNBOUND: TRANSNATIONAL PROJECTS, POSTCOLONIAL PREDICAMENTS, AND DETERRITORIALIZED NATION-STATES (1993).

involve engaging in economic activities and taking up residence or simply spending time with friends and family.[81] Transnational migration describes migrant lives that unfold across borders over extended periods, often across generations. Like Alpha-Evelyn and Alpha-Waymond in the film, they jump between the different universes of their lives as migrants. Beyond physical movement, migrants sustain connections to their countries of origin through channels increasingly enabled by liberalization and technological innovation. They communicate frequently with family and friends via low–cost and video calls, and they maintain and deepen economic and social ties through remittances and other exchanges, even when they themselves do not move back and forth.[82] Analytically, such ways of "being" and "acting" transnationally must be distinguished from "ways of belonging."[83] While "ways of being refer to the actual social relations and practices that individuals engage in," ways of belonging denote the identities individuals associate with these actions.[84] Migrants may identify with multiple societies, or primarily with their society of residence or their society of origin. Transnational belonging often, though not necessarily, arises from sustained cross–border ties and denotes simultaneous affiliation to multiple societies, expressed among others through the practice of more than one community's cultural traditions and identification with more than one political community.[85] It is a form of integration that is "characterized specifically by the simultaneity of involvement."[86] In short, transnational migration refers to "the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement."[87] These linkages generate transnational spaces and networks that organize migration processes and cross-border social life and often shape decisions to migrate.[88]

Research on transnational migration practices, their organization, and the institutional conditions shaping them flourished in the 1990s and early 2000s, especially within the social sciences.[89] This research provided multiple readings of transnational migration, each emphasizing different aspects.[90] Early contributions emphasized how transnational migration led to reconceptualizing the state and the society beyond or rather across nation–states by focusing on the networks generated through this practice. Conceptualizing this configuration as "transnational social fields allowed a conceptual space to capture the multi-directionality of cross-border networks."[91] Research on transnational social fields foregrounded the power hierarchies in which transnational migration is embedded and enabled an integrated analysis of movers and non–movers within a single conceptual framework.[92] More recent work has shifted toward transnational communities and social spaces, emphasizing the decoupling of geographic from social space beyond the nation–state[93] and the development of distinct cross-border

[81]Thomas Faist, Margit Fauser & Eveline Reisenauer, Transnational Migration 27–45 (2013).

[82]*Id.* On transnational economic ties through remittances, see *id.* at 66–87.

[83]Peggy Levitt & Nina Glick Schiller, *Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society*, 38 Int'l Migration Rev. 1002, 1008 (2004).

[84]*Id.* at 1010.

[85]Elizabeth Mavroudi, *The Timespace of Identity and Belonging: Female Migrants in Greece*, *in* Timespace and international migration 119, 125–29 (Elizabeth Mavroudi, Ben Page, & Anastasia Chrēstu eds., 2017).

[86]Faist, Fauser, and Reisenauer, *supra* note 81, at 95.

[87]Basch, Schiller, and Szanton Blanc, *supra* note 80, at 7.

[88]*See generally* Thomas Faist, The Volume and Dynamics of International Migration and Transnational Social Spaces (2000).

[89]Ayşe Çağlar, *Transnational Migration*, *in* Routledge handbook of immigration and refugee studies 34, 34–36 (Anna Triantaphyllidu ed., 2d ed. 2023).

[90]*Id.* at 36–38.

[91]*Id.* at 36 (referring to an unpublished manuscript by the author from 2002).

[92]*Id.*

[93]Ludger Pries, *The Disruption of Social and Geographic Space: Mexican-US Migration and the Emergence of Transnational Social Spaces*, 16 Int'l Socio. 55, 58–59 (2001).

communities.[94] Although transnational migration is an ideal type rather than a universal social reality for every migrant, it captures the simultaneous belongings and cross-border ties experienced by many migrants from the late twentieth century onward. While most migrants engage in some transnational practices, they do so to varying degrees.[95]

Research on transnational migration has had limited resonance in legal scholarship.[96] Most fundamentally, it has only modestly influenced how the law conceptualizes migration and how legal scholars theorize its governance. The fact that transnational migration links political communities and societies beyond the nation–state as the traditional unit of governance has yet to be fully reflected in legal analysis. While countries of emigration have put in place policies to facilitate and channel remittances[97] and to extend modes of political participation,[98] migration-receiving countries have been much more reluctant to adapt their governance of migration and citizenship. I will return to this in more detail below. For now, it suffices to recall the idea of circular migration, popular in the early 2000s as a model meant to facilitate transnational practices while largely preserving a sequential conception of migration and an exclusivist notion of belonging.

II. Migration as a Lived Experience and the Mode of Perspective Time

In line with the insights of migration studies, migration can be understood as a complex process, not just a series of events, leading to neatly distinguishable identities in sequential moments.[99] By contrast, the dominant view of migration as a sequenced, orderly process, structured by linearity and temporariness as key modes of inclusion and exclusion, overlooks the simultaneous ties that define transnational migration. Beyond linking societies, places, and individuals across borders, transnational migration practices connect migrants' pasts in countries of origin with their presents in countries of residence, enabling continual reinterpretation, remaking, and continuation of that past. At the same time, transnational social spaces weave networks that shape individuals' capacity to aspire, rendering migration a tangible possibility. In this sense, transnational migration produces temporal overlaps—between past, present, and future. Thus, "[m]igrant times involve the coexistence of futures (often expressed as possibilities), pasts (constitutive of migrants) and present (the context of being)."[100] This includes disappointment, unforeseen disjuncture, the unpredictability of the future, and various forms of simultaneity. This stands in contrast to policymaking's presentist focus. In public discourse, the past appears as an idealized era of social cohesion and stable identities, while the simultaneity of past and present produced by mobility goes unrecognized.

As we have seen, a sequential concept of migration reflects an analytical approach to time. By contrast, simultaneous ties and feelings of belonging are best captured by a perspective approach to time. Perspective time differs from analytical time. Analytical time approaches events abstractly, independent of individual experiences and typically in hindsight, whereas perspective time focuses on how actors experience time. While "we can think in analytical time, we can live, act, and decide only in perspective time."[101] Perspective time resembles what others have labeled

[94]Faist, Fauser, and Reisenauer, *supra* note 81, at 46–65.

[95]*Id.* at 100.

[96]Farahat, *supra* note 57.

[97]Levitt and Glick Schiller, *supra* note 83, at 1021–24; Jørgen Carling, *Remittances: Eight Analytical Perspectives*, *in* Routledge handbook of migration and development 114, 115–16 (Tanja Bastia & Ronald Skeldon eds., 2021).

[98]Levitt and Glick Schiller, *supra* note 83, at 1024–26.

[99]Melanie Griffiths, Ali Rogers & Bridget Anderson, *Migration, Time and Temporalities: Review and Prospect*, COMPAS (Mar. 15, 2013), https://www.compas.ox.ac.uk/publication/migration-time-and-temporalities-review-and-prospect.

[100]Francis L. Collins & Sergei Shubin, *The Temporal Complexities of International Student Mobilities*, *in* Timespace and international migration 17, 21 (Elizabeth Mavroudi, Ben Page, & Anastasia Chrēstu eds., 2017).

[101]Winston, *supra* note 10.

"human time"[102] and comes close to what the philosopher Henri Bergson called "pure duration."[103] Perspective time, however, emphasizes less how the passage of time relates to the finite human lifetime, but rather how individuals evaluate and perceive the relationship between the passage of time and the experience of events. It highlights that individuals also construct relations between time and events, but from a vantage different from that of the analytical observer. Past, present, and future refer to the individual's internal perspective on their life, while before, during, and after refer to the vantage point of the external, analytical observer. Perspective time organizes events and actions based on how individuals perceive them, placing particular emphasis on the present moment in which people live. This is evident when people discuss migration, contrasting the current lives of migrants in their countries of residence (*now*) with their past in the countries of origin (*then*). Then refers to the distant past, different but not disconnected from the present. Migrants may adopt the then and now framework to emphasize their current habits and identities, contrasting them with a past that feels distant. Referring to the then and now may highlight distance but can also reflect an ongoing process of transformation that connects the past to the present. Unlike before and after, then and now do not centre specific events, but rather focus on process and transformation as experienced over time.

Within perspective time, the future appears as aspirations, as goals we aim to achieve. It serves as an open-ended horizon that motivates and shapes our present actions. This openness enables personal development and the possibility of becoming a different version of ourselves. The dynamic nature of perspective time invites us to perceive time as a continuum, where individuals remain connected to the past while emphasizing the open-ended process of change. It also establishes a clear relationship with the future, shaped by aspirations, hopes, fears, and uncertainty.

Nevertheless, the present holds a distinct role in perspective time, as, unlike the observer in analytical time, the actor in perspective time cannot assign equal value to every moment. Instead, they can only act in the present, connecting this moment to their past experiences and their expectations or aspirations for the future. "The specious present is the 'now' of perspectival time (past, present and future time)."[104] Past, present, and future are, however, not just "a collection of Now moments that has been preceded by a series of prior Now moments," to be followed by a series of future Now moments.[105] Rather, the present is complex and messy. It is characterized by overlaps with and links to the past and the future. The Now is not just a single moment. Instead, it is composed of multiple events that occur simultaneously and may be experienced in two places at once. Adding perspective time to our temporal thinking helps grasp transnational practices as it shifts the focus from sequence to process and captures temporal overlaps. It provides a suitable temporal framework for aligning the legal architecture more with the lived realities of migrants.

D. Migration as Simultaneity

Critiquing migration law for not recognizing the lived realities of migrants prompts a fundamental question about the purposes and justifications of legal regulation. Should the law engage with migrants' lived experiences at all? Is legal regulation not meant to shape social behavior in pursuit of policy goals rather than merely accommodating existing practices? In this section, I argue that migration law should engage more fully with the realities of transnational migration on epistemic and normative grounds, and that the concept of simultaneity provides a way to do so. Most fundamentally, an emancipatory conception of human rights supports making the law more receptive to the lived realities of transnational migration (I.). I then propose migration as

[102]Stronks, *supra* note 2.

[103]Henri Bergson, Time and Free Will: An Essay on the Immediate Data of Consciousness 100–28 (F.L. Pogson trans., 1910).

[104]MacCormick, *supra* note 9.

[105]Collins and Shubin, *supra* note 100, at 19.

simultaneity as a novel temporal concept to better capture the lived experience of many migrants in the law. To that end, I define what simultaneity means in this context and which advantages it brings to migration's temporal conception (III.). Finally, I explore how the governance of migration as simultaneity could look like and what elements of simultaneity we can already identify in contemporary migration law (III.).

I. Realizing Emancipatory Migration Law Through the Concept of Simultaneity

In contemporary international law, the nation–state's purported sovereign right to control immigration is often cast as intrinsic to statehood. This claim of a sovereign right to exclude creates a structural power imbalance that systematically privileges state interests over those of migrants. Migrants need to justify not only their presence in the host country but also their entitlement to rights. At the same time, migration law is a field that affects many migrants in existential ways. It limits not only their freedom of movement but also their capacity to reliably plan their future lives, their ability to live with their loved ones (family or friends), their ability to invest economically, and, sometimes, their safety and physical integrity. Migration law, therefore, restricts fundamental freedoms. Such interferences with fundamental freedoms should not be taken for granted but rather require justification. However, the prevailing assumption of a sovereign right to control borders and exclude non-nationals turns this relationship upside down. This is surprising, not least because the modern formulation of this principle emerged relatively recently and gained broad traction only after World War I.[106] It was originally invented by the judges of the US Supreme Court in the late nineteenth century to justify the federal government's power to exclude and expel Chinese immigrants.[107] However, it soon became a shortcut for justifying states' right to decide on exclusion and inclusion in their countries more generally.

For a long time, however, international law did not recognize such a right. Rather, many international lawyers have long defended a right to migration in the context of colonial conquest.[108] Moreover, the ubiquitous relevance of passports, visas, and entry controls only developed in the late nineteenth and early twentieth century.[109] The increasing relevance of the sovereign right to control entry and to exclude migrants at will is closely linked to the first wave of decolonization towards the end of the nineteenth century and the demise of European empires. The conception of sovereignty as entailing a right to exclude individual non–citizens only took hold as empires unraveled and new nation-states emerged.[110] Justin Deautels-Stein argues that the right to exclude people from former colonies has replaced the exclusion of entire peoples from the international community, which had become untenable in the late nineteenth century.[111] Sovereign control over migration entered the scene only once the unrestrained acquisition and exploitation of other countries, often in the Global South, was no longer tenable. This reveals how the purported right to control migration both obscures the mobility regimes that sustained colonial and imperial rule and perpetuates the global inequalities it produced.[112] By framing the right to exclude non-nationals as a principled matter of state sovereignty, it becomes a seemingly natural feature of the state. Contemporary power asymmetries and ongoing relations of

[106]Chetail, *supra* note 42, at 27.

[107]Chan Ping v. United States (Chinese Exclusion Act), 130 U.S. 581, 603–10 (1889). The explicit claim regarding international law had only been added later in *Ekiu v. United States*, 142 U.S. 651, 659 (1892) (using the phrase "accepted maxim of international law").

[108]Justin Desautels-Stein, The Right to Exclude: A Critical Race Approach to Sovereignty, Borders, and International Law 95–132 (2023).

[109]*See generally* John Torpey, The Invention of the Passport: Surveillance, Citizenship and the State (1999).

[110]Desautels-Stein, *supra* note 108.

[111]*Id.*

[112]For an analysis of EU law, see Eklund, *supra* note 77. On colonial inequality and migration law more generally, see Achiume, *supra* note 75, at 1533–1547.

domination are thereby rendered invisible and legally irrelevant, rather than understood as outcomes of economic choices and structures premised on exploitation and inequality.

A historical analysis suggests that privileging state interests over migrants' systematically obscures structural power asymmetries and entrenched patterns of subordination and domination. This insight not only calls for incorporating colonial legacies and enduring regimes of exploitation and inequality into analyses of migration and migration law, but also for reintegrating migrants' interests and lived experiences into that picture for two reasons.

The first argument is human-rights-based: As is well known, international human rights law does not recognize a right to migration, let alone a right to preserve transnational ties. However, if we understand human rights as an emancipatory project,[113] they provide strong arguments for decentering the state and centering migrants' experiences more in the law. Ken Booth defines emancipation as "the freeing of people as individuals and groups from those physical and human constraints which stop them carrying out what they would freely choose to do; this means identifying and struggling against oppressive structures or power, and creating new structures and power relationships that promise to enhance human potentialities."[114] If we ground our thinking about and interpretation of human rights in the idea of emancipation, we need to be attentive to contingent and contextual forms of subordination and domination. To emphasize people's agency in such processes, Michael Goodhart adapts the definition of emancipation to "people getting free from subordination" and argues that emancipation needs to aim at transforming structures of subordination.[115] In light of marked power asymmetries between migrants and host states, increasingly restrictive and selective migration regimes, the exclusion of migrants from democratic decision-making, and pervasive global inequalities, migrants' agency is profoundly constrained, leaving them subordinate to power they cannot control. An emancipatory understanding of human rights, therefore, argues for an approach to migration law that attends to migrants' own temporal experiences, including simultaneity. The emancipatory argument aligns with Ayelet Shachar's proposal to decenter the state in migration law. She contends that, as migration–receiving countries adopt increasingly restrictive policies and seek to circumvent human–rights obligations, a migrant– and mobility–centered perspective is warranted, "that recognizes that states will continue to be key players in the current world while at the same time de-centering them."[116]

The second type of argument is epistemic. If we understand decolonizing migration as an epistemic undertaking rather than mere critique, the study of migration law must attend more fully to migrants' lived experiences and interests. As an epistemic project, decolonization calls for approaches that facilitate shifts in perspectives and incorporate knowledge and experiences from migrants into the assessment of domestic and international migration law,[117] while acknowledging the trajectories and transformations of these laws over time. Shifting the epistemology of migration law requires more than a sophisticated critique of (Northern) migration law and border governance. It is not simply about denouncing injustices, but rather about centering the experiences of migrants in the law, listening to "their" law and understanding their interaction

[113]This has been suggested by Ken Booth, *Three Tyrannies*, *in* HUMAN RIGHTS IN GLOBAL POLITICS 31, 40 (Nicholas J. Wheeler & Tim Dunne eds., 1999), at 40. This thought is more recently further developed by Michael Goodhart in a manuscript—on file with this author—during a workshop at the Centre of Human Rights Erlangen-Nürnberg on February 10, 2026.

[114]*Id.*

[115]Michael Goodhart has developed this argument in a manuscript—on file with this author—during a workshop at the Centre of Human Rights Erlangen-Nürnberg on February 10, 2026.

[116]Ayelet Shachar, *The Shifting Border: Legal Cartographies of Migration and Mobility*, *in* THE SHIFTING BORDER: LEGAL CARTOGRAPHIES OF MIGRATION AND MOBILITY: AYELET SHACHAR IN DIALOGUE 3, 16 (Ayelet Shachar ed., 2020).

[117]For a similar claim from a Third World Approaches to International Law (TWAIL) perspective, see Christiana Sagay, *Transnational Labour Mobility and Issue-Linkages in the Global Compact for Safe, Orderly and Regular Migration: A TWAIL Analysis*, 2024 TWAIL REV. 120, 126–28, 147 (2024).

with the law. Florian Hoffmann has proposed an epistemic shift in comparative legal scholarship that centers the experience of the South, so that the South not only speaks to the North but also speaks about it.[118] This involves an "ethos of ethnography" which calls not only for a focus on the concrete causes, practices, and effects of law "on the ground" but also for an active deconstruction of the stratification of that ground into an epistemically privileged and normalized "us" and an observed "exotic other."[119]

Accordingly, comparison would become "a way of making visible the functional logics and deep structures hidden behind the Weberian imagery of modernity."[120] I argue that the project of decolonizing migration law calls for a related epistemic shift: to conceive migrants and their countries of origin not merely as a differentiated "other" but as constitutive of the North, and to center their perspectives. This shift reveals how the North and South are intertwined in producing, organizing, and regulating migration, and how migrants themselves co–shape these regimes through their everyday negotiations and navigations of migration law. I propose that the concept of migration as simultaneity, which I will further develop below, provides a suitable tool to achieve this goal, as it is concerned with how migrants build and exercise legal agency in the context of global and interpersonal power asymmetries, how they experience the law, and how they seek to re–negotiate it in everyday life. Considering the embeddedness of migration in broader societal and global structures of inequality migration as simultaneity also aims at situating "the analysis of 'migrants' and 'non–migrants' within a common analytical lens."[121] Consequently, it advocates expanding anthropological[122] and transdisciplinary[123] approaches within legal analysis.

Considering transnational approaches in the migration studies provides a further epistemic argument for better integrating migrants' experiences into the analysis of migration law. Transnational approaches have long sought to overcome territorialism—the conflation of society, state, and territory—and essentialism—the conflation of society, state, and nation—based on empirical evidence of cross-border practices that unsettle both.[124] These epistemic insights support the human-rights and political-theory arguments, and they matter for law: while law aims to shape social processes according to political will, it can do so effectively only if it comprehends the cross–border dimensions and simultaneous entanglements of social phenomena that conventional national frameworks cannot fully grasp. This does not mean that every single migrant experience matters in the same way. Nor does it mean that every single transnational social practice must be legally sanctioned in every case, but it does mean they should be a valid consideration and a potential claim in any balancing of interests. Together, these normative and epistemic arguments support the conclusion that accounting for migrants' experiences in migration law is necessary to achieve just legal regulation.

[118]Florian Hoffmann, *Facing South: On the Significance of An/Other Modernity in Comparative Constitutional Law*, *in* THE GLOBAL SOUTH AND COMPARATIVE CONSTITUTIONAL LAW 41, 63 (Philipp Dann, Michael Riegner, & Maxim Bönnemann eds., 2020). Hoffmann contrasts the South to "the West" rather than to "the North."

[119]*Id.* at 65.

[120]*Id.* at 65.

[121]Çağlar, *supra* note 89, at 34, 41. Migration as simultaneity also aligns with the project of conceptualizing Global Migration Law by suggesting that simultaneity allows for a temporal conception of migration that better reflects migrants' lived realities. *See* Jaya Ramji-Nogales & Peter J. Spiro, *Introduction to Symposium on Framing Global MigrationLaw*, 111 AM. J. INT'L L. UNBOUND 1, 1 (2017).

[122]*See generally* Marie-Claire Foblets, Jean-François Gaudreault-DesBiens & Michele Graziadei, *Legal Scholars Engaging with Social Anthropology: Hardships and Gains*, 23 GERMAN L.J. 911 (2022).

[123]See generally on transdisciplinarity and law Annelise Riles, *From Comparison to Collaboration: Experiments with a New Scholarly and Political Form*, 78 L. & CONTEMP. PROBS. 147 (2015); Julian Webb, *When 'Law and Sociology' Is Not Enough: Transdisciplinarity and the Problem of Complexity*, *in* L. & SOCIO. 90 (Michael Freeman ed., 2006); Julie Thompson Klein, *Discourses of Transdisciplinarity: Looking Back to the Future*, 63 FUTURES 68 (2014).

[124]FAIST, FAUSER, AND REISENAUER, *supra* note 81, at 17; for an overview see Çağlar, *supra* note 89.

II. The Added Value of Migration as Simultaneity

1. Defining Simultaneity and Rethinking Mobility Patterns

Conceptually, migration as simultaneity comprises four elements: (1) sustained social ties across multiple countries; (2) regular back-and-forth mobility between them; (3) multiple or hybrid identities arising from concurrent senses of belonging to more than one society; and (4) the coexistence of past, present, and future in migrants' lives.

Migration as simultaneity offers a temporal lens that invites us to rethink prevailing assumptions about mobility patterns. Rather than a sequence of discrete events, migration is better understood as an ongoing process in which past, present, and future intersect in migrants' lives. This reflects an understanding of duration as "a continuous unfolding in which past, present, and future fundamentally coexist in a heterogeneous simultaneity."[125] Simultaneity foregrounds how such temporal overlaps emerge and the practices through which they materialize. As an analytic lens, it offers a more complex and nuanced account of the present. To fully grasp this complexity and the simultaneity of experiences, we need both analytical and perspective time. Analytical time alone fails to account for the experiences, perceptions, and emotions associated with events and actions. Legal regulations based on a purely analytical perspective on the temporal dimension of migration, therefore, cannot account for how events and actions relate to and are motivated by the experiences of individuals and collectives. Migration decision-making, for example, encompasses aspirations—an anticipatory relation to the future—assessments of present conditions and infrastructures, and interpretations of the past that inform the desire to move.[126] While these elements can be arranged sequentially, their significance becomes apparent only when sequences are considered alongside the emotional and perceptual dimensions that accompany them, which is the vantage point of perspective time. Analytical time helps us mark the passage of time, reorder events, and construct timelines. Only perspective time, however, reveals how time relates not just to events but to the actions and emotions of individuals and groups. The idea of conceptualizing migration as simultaneity is to add attention to experiences, perceptions, and emotions in analyses of events and actions, thereby clarifying how events and actions relate to the experiences of individuals and collectives.

The dominant sequential understanding of migration also downplays that migration does not end simply with arrival in the new country of residence. It continues as an ongoing process of transborder interaction, mobility, and the formation of belonging. The sequential logic of linearity and temporariness is at odds with this insight. The past does not simply recede; it remains an active and influential force, serving as a reference point tied to specific people and places in a migrant's life. This temporal overlap can be better captured if we conceptualize migration as simultaneity.

Likewise, the future is present throughout the migration process, shaping current realities through aspirations, hopes, and expectations, often facilitated or constrained by legal frameworks. Developing a vision of the future presupposes the capacity to aspire. This capacity is deeply influenced by socio-economic status and cultural practices.[127] Migration schemes and legal statuses in destination countries profoundly shape how migrants envision their futures. More broadly, legal regulations influence both aspirations and the capacity to aspire by conditioning access to media, education, essential resources, and social networks. Through these frameworks, migrants assess whether a viable legal pathway to membership in the host society exists or whether they are excluded from meaningful participation. Taken together, this illustrates how

[125]Renisa Mawani, *Law As Temporality: Colonial Politics and Indian Settlers*, 4 UC IRVINE L. REV. 70, 78 (2014) (referring to the work of Henri Bergson).

[126]See Griffiths, Rogers, and Anderson, *supra* note 99, at 16.

[127]Arjun Appadurai, *The Capacity to Aspire: Culture and the Terms of Recognition*, *in* CULTURE AND PUBLIC ACTION 59, 65–70 (Vijayendra Rao & Michael Walton eds., 2004).

temporariness restricts migrants' futures by severing long-term prospects.[128] Incorporating simultaneity into our temporal understanding of migration encourages a deeper examination of how the law structures and influences the intersections between the past, present, and future—where it seeks to prevent overlaps, where it enables them, and where it either restricts or expands possibilities for the future.

2. Linking Time, Space, and Place

The concept of migration as simultaneity also accounts for concurrent attachments and relations to multiple places, often, but not exclusively, constituted through transnational practices. This perspective invites a rethinking of dominant modes of inclusion and exclusion, and to recognize hybrid and multiple identities to better reflect the lived realities of migration. Simultaneity deepens our understanding of the temporal dimension of migration by linking it to the spatial side of migration. While the practices of transnational migration involve back-and-forth movements and sustained ties in the country of residence and the country of origin, or other countries, migrants cannot be physically present in two countries at the same time. Nevertheless, their lives evolve across multiple locations simultaneously. This perspective requires attention to the social, cultural, economic, and political relationships that migrants build and maintain in both their country of origin and their country of residence. It underscores the need for legal acknowledgement of these connections and emphasizes that migration is a dynamic process shaped by relationships with particular people and places. These relationships not only drive circular movements between countries but also foster ambiguous experiences of belonging. Unlike current legal conceptions that govern belonging through linearity, simultaneity requires rethinking belonging as a dynamic, intricate, and multidimensional experience. This also affects the way the law conceptualizes belonging and allows for its legal expression beyond the mode of citizenship.

While time is intrinsically connected to mobility,[129] the relationship between the spatial aspects and the temporal dimensions of migration has only recently begun to receive attention.[130] Simultaneity connects the temporal and the spatial dimensions of migration.[131] Experiencing a sense of belonging to two countries or societies simultaneously is inherently linked to being rooted in two places at once. Similarly, sustaining relationships with friends and family in the country of origin or other countries involves a spatial aspect. It may increase back-and-forth mobility or create a feeling of permanently being not only here, but also still there. In this sense, it also encompasses a temporal dimension, resisting any clear sequencing of belonging or presence in a single place. Likewise, just as the juxtaposition of then and now cannot fully account for the complexity of the migration experience, the distinction between here and there also falls short of capturing its complexity.[132] Simultaneity resonates with a focus on places and people rather than abstract spaces, as has been argued in anthropological research.[133] In this sense, migration is to be understood as a process of separation and reconnection with people and specific places, rather than as primarily a movement across space.[134] Jørgen Carling introduces the concept of "transnational placetime" to highlight that it is the specific places and people to which migrants

[128]Anderson, *supra* note 2.

[129]Henri Bergson, The Creative Mind 2 (Mabelle M. Andison trans., 1946).

[130]See for recent contributions in the context of migration Timespace and international migration, *supra* note 2.

[131]A more general argument for conceptualizing and analyzing time and space together has been developed by Mariana Valverde, Chronotopes of Law: Jurisdiction, Scale and Governance 30, 36 & et passim (2015), https://www.taylorfrancis.com/books/9781134714728.

[132]Mavroudi, *supra* note 85.

[133]Jørgen Carling, *On Conjunctures in Transnational Lives: Linear Time, Relative Mobility and Individual Experience*, *in* Timespace and international migration 33, 34 (Mavroudi, Ben Page & Anastasia Chrēstu eds., 2017).

[134]*Id.* at 34.

relate that matter in understanding the spatial side of migration. This resonates well with the practices of experienced simultaneity. Unlike the sequential understanding of migration and belonging, migration as simultaneity recognizes migration as an ongoing process where past, present, and future, as well as here and there, intersect.[135] Such a temporal conception of migration calls for avoiding policies that compel migrants to foreclose their futures, as the mode of temporariness does. Likewise, it means not penalizing migrants for maintaining ties to their country of origin even as they establish new connections in the host country, as the mode of linearity does. Rather, simultaneity reflects the ongoing emotional and social connections individuals maintain with people and places in both their country of origin and their country of residence. It allows us to grasp migration as an ongoing process and to follow "the flux of the real."[136]

Migration as simultaneity challenges the sequential temporal conception of migration that underpins contemporary regimes of inclusion and exclusion built on temporariness and linearity. This reorientation has significant epistemological implications for legal analysis and for the normative judgments inherent in the law's interpretation. It also offers guidance on reforming the law to better accommodate this paradigm shift.

3. The Epistemological Value of Migration as Simultaneity

Simultaneity functions as a prism for understanding both how migration operates and is experienced by migrants, and how societies construct identities through migration and citizenship. By attending to the relations between the host society, the countries of origin, and their current and past interrelations, it reveals the mutual shaping of individual trajectories and collective projects. In this sense, conceptualizing migration as simultaneity has profound epistemological implications for the interpretation and analysis of migration law.

The prism of simultaneity invites us to understand migration and its legal regulation as a phenomenon that always involves and affects the public authority and public goods in more than one country. It is, by necessity, a relational and transnational matter embedded in existing hierarchies and power structures, yet it also transforms societies at both ends.[137] By contrast, a sequential approach divides migration into discrete stages tied to a single jurisdiction's procedures. As a result, simultaneous developments—ongoing cross-border ties, legal statuses and effects in other states—are excluded from analysis and often treated as legally irrelevant. This stage-bound focus facilitates ignoring intersections between legal orders and transnational effects of migration. By focusing on events rather than structures and experiences, this approach obscures the power hierarchies and relations of domination that shape migration and are often produced and reproduced by law. Conversely, migration as simultaneity conceives of migration as a contextual process that both contributes to societal transformation and is shaped by underlying power structures. It provides an analytical lens for assessing "the intersection of forces, tendencies, forms of power, and relations of domination as they meet within place and time."[138] Thereby, it invites legal scholars to consider how the law and/or its prevailing interpretation (re-)produces entrenched forms of global inequality and how inequality based on immigration status intersects with other forms of societal inequality. This approach advocates a contextual conception of law, attentive to the power relations that inform it and its interpretation, particularly in the balancing of interests. Thereby, simultaneity contributes to the project of de-centering the North in migration law as described above.

At the same time, migration as simultaneity challenges the sequential temporal conception of migration that underpins contemporary regimes of inclusion and exclusion built on

[135]Mavroudi, *supra* note 85, at 120–22.
[136]Bergson, *supra* note 129, at 342.
[137]Çağlar, *supra* note 89; Faist, Fauser, and Reisenauer, *supra* note 81.
[138]Çağlar, *supra* note 89, at 41.

temporariness and linearity. It requires the legal system to pay closer attention to migrants' lived experiences. This does not entail accommodating or facilitating every transnational experience, practice, or life choice in law. It does, however, compel migration law scholars and lawmakers to examine how the exclusion of such practices may reproduce inequality and subordination. This shift has significant epistemological implications for how legal analysis is conducted and normative implications for how the law is interpreted. It also offers guidance for reform, pointing towards doctrines and institutions that better accommodate this paradigm and advance a more emancipatory migration law that critically reflects the forms of subordination and domination it produces and normalizes.

III. The Governance of Migration as Simultaneity

At a practical level, the central question is how migration as simultaneity can be operationalized within migration governance. As discussed above, the principle of progressive inclusion requires granting migrants increasing rights and, ultimately, citizenship based on their connections to the host country. At its core, this principle asserts that no one should face permanent exclusion from membership in their host country and that migrants' ties should be legally acknowledged even before they achieve full membership. The challenge, however, lies in the fact that current migration law predominantly frames these ties as sequential and exclusive. Inclusion is often determined by the length of stay, measured in linear time, while other forms of connection, such as cultural, social, and economic ties, are rarely considered. When they are acknowledged, these ties are typically conceptualized as exclusive, existing either in the home country or the host country, but not both. This sequential and exclusive framework prevents the recognition of simultaneity in migration governance.

However, the two key tenets of the principle of progressive inclusion—access to membership and the recognition of belonging short of full membership—are fully compatible with an alternative understanding of ties. Inclusion does not have to be viewed as something that can only occur exclusively in one country at a time. Rights and memberships can coexist across multiple countries simultaneously. Therefore, the critical task is to develop a concept of ties and belonging that moves beyond reliance on linear time and does not demand exclusivity.

In the remainder of the Article, I analyze legal tools to give effect to the four defining elements of migration as simultaneity: (1) sustained cross-border ties, (2) regular back-and-forth mobility, (3) hybrid identities grounded in concurrent belonging, (4) and the coexistence of past, present, and future in migrants' lives. Some of these tools are already present in migration law; others call for reform of existing legal frameworks.

1. Sustained Cross-Border Ties

Migrants often maintain social, economic, and cultural ties with their country of origin. However, these ties are still insufficiently recognized by the law. Crucially, Article 31 of the UN Convention on the Rights of All Migrant Workers and Their Families (ICRMW)[139] obliges State Parties to "respect [. . .] the cultural identity of migrant workers and members of their families and [. . .] not prevent them from maintaining their cultural links with their State of origin." Paragraph 2 of the same provision encourages them to "take appropriate measures to assist and encourage efforts in this respect." However, the ICRMW still has just sixty State Parties. While most of them are from the Global South, the Convention has been ratified by several migration-receiving countries and the treaty body responsible, the Committee on the Protection of the Rights of All Migrant Workers and their Families (CRMW), has meanwhile produced six General Comments specifying the provisions of the Convention. The recognition of sustained cultural ties as a core right in the

[139]International Convention on the Rights of All Migrant Workers and Their Families, *supra* note 53.

only UN documents specializing on the rights of migrants indicates its significance for migrants' human rights. Even though its justiciability and geographical scope remain limited, this provision provides a blueprint of how the recognition of sustained cross-border ties could be implemented in international migration law to reflect a conception of migration as simultaneity.

A more specific human rights obligation of states to protect migrants' ties to the country of residence is enhanced protection against expulsion. The European Court of Human Rights (ECtHR) has developed a particularly sophisticated line of reasoning in this regard. More specifically, the Court demands stronger justification to expel a migrant who has developed substantial social ties, especially family ties, in the respective State.[140] However, as we have seen, this enhanced protection is currently contingent on integration into the host society, with the implicit assumption that ties to the country of origin are symmetrically diminished. This sequential logic could be easily addressed by recognizing ties in the host country regardless of those maintained in the country of origin. Furthermore, instead of focusing solely on the duration of time spent in the host country, economic, social, and cultural ties should be given equal consideration to move beyond a strictly linear framework. This approach would reconceptualize belonging as something that can exist simultaneously in more than one society.

Migrants not only maintain social and family ties to their country of origin, but also often maintain economic ties. The most salient expression of such ties is remittances. According to the World Bank, remittances surpass foreign direct investment and official development aid combined[141] and have reached an all-time high of 857 billion USD in 2023.[142] Article 47 ICRMW recognizes a right of migrant workers to send their earnings abroad. Accordingly, migrants "shall have the right to transfer their earnings and savings, particularly those funds necessary for the support of their families" provided that the transfer is in conformity with national legislation and international agreements. Similarly, Article 9 of the 1949 ILO Migration for Employment Convention (Revised) No 97 already obliged State Parties, subject to some limitations, "to permit [. . .] the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire." Like the ICRMW, the ILO Convention has been ratified by only a limited number of states and currently binds only fifty-four states. Moreover, Article 47 of the ICRMW applies only to migrant workers lawfully present in a country, thereby excluding undocumented and irregular migrants. More recently, a number of soft law instruments, particularly in the context of discussions on migration and development, have highlighted the importance of remittances and called for their facilitation through reduced transaction costs and the provision of appropriate banking facilities.[143] Most recently, states have committed to "promote faster, safer and cheaper remittances by further developing existing conducive policy and regulatory environments that enable competition, regulation and innovation on the remittance market and by providing gender-responsive programs and instruments that enhance the financial inclusion of migrants and their families" under objective 20 of the Global Compact on Safe, Regular and Orderly Migration.[144] A crucial challenge for remittances is the "stubbornly high" remittance transaction costs resulting from a lack of proper financial infrastructure, a lack of access to banking services, and difficulties in providing the necessary identification documents.[145] However, there is increasing sensitivity regarding the relevance of remittances and the challenge of

[140] *See supra* notes 57 & 58.

[141] Dilip Ratha, Sonia Plaza & Eung Ju Kim, *In 2024, remittance flows to low- and middle-income countries are expected to reach $685 billion, larger than FDI and ODA combined*, World Bank Blogs (Dec. 18, 2024), https://blogs.worldbank.org/en/peoplemove/in-2024–remittance-flows-to-low–and-middle-income-countries-ar.

[142] *Global Migration Data Portal*, Int'l Org. for Migration, https://www.migrationdataportal.org/themes/remittances-overview (last visited Jan. 6, 2026).

[143] Alan Desmond, *Remittances*, *in* Elgar Concise Encyclopedia of Migration and Asylum Law 474, 475 (Vincent Chetail ed., 2025).

[144] Global Compact for Safe, Regular and Orderly Migration (GCM 2018), *supra* note 30.

[145] Desmond, *supra* note 143, at 476.

transaction costs and other infrastructural challenges. In its General Comment No. 6, the CRMW emphasized the obligation of states to facilitate the transfer of remittances through investment in new technology and improvement of financial literacy. Moreover, it called "to channel remittances and reduce transaction costs, to create the conditions for investments and to direct them towards productive sectors likely to improve the economic situation in the country of origin."[146] The Committee also recognized that remittances are not only about sending money, but help migrants to "act as a bridge between their country of settlement and their country of origin."[147] They may therefore be part of a larger transfer of knowledge, skills, and culture.[148] While remittances also come with risks, among others of obstructing structural reforms in the countries of origin,[149] they produce undeniable economic and personal gains and are an important expression of sustained transnational ties. Facilitating them and making them more affordable would contribute to recognizing transnational economic networks established and sustained by migrants.

2. Regular Cross-Border Mobility

A second defining feature of migration as simultaneity is changing patterns of mobility. However, the dominant modes of inclusion and exclusion still often punish or prevent regular movements between the host country and the country of residence, and more generally prevent absence from the country of residence. Legal regulation could, however, easily be adjusted to recognize mobility in the spirit of simultaneity.

Simultaneity can be legally recognized through the technique of legal fiction. The time spent in another country counts as time spent in the host country, thereby avoiding disruption of waiting periods or loss of residence status. Many migration laws across the globe already apply this technique, but typically only for a period of a few months and with several qualifications. Extending the possible periods of physical absence would allow for a better recognition of the lived experience of simultaneity in migration processes.

Similarly, long-term multiple-entry visas that are not tied to a specific employer allow migrants to re-enter the host country over an extended period without repeatedly undergoing the full visa application process or forfeiting accrued rights when returning to their country of origin or another country. Moreover, they enhance migrants' independence from their employers, thereby further reducing power inequalities. In effect, these visas provide a mechanism to pause linear time, enabling migrants to resume any remaining waiting periods seamlessly upon their return. Long-term visas mitigate the rigidity of temporary migration and support a way of life in which migrants can engage with two countries simultaneously.

Free-movement regimes are another alternative to facilitate regular movements across the borders of host and home and potentially also third countries. Free-movement regimes allow for open pathways for entry and stay in another country based on bilateral or supranational agreement.[150] They exist in various forms across the world, with particularly developed models in place in the EU and Latin America.[151] However, as discussed above, their specific design still often limits the benefits of free movement by imposing economic requirements or limiting the duration

[146]Comm. on the Prot. of the Rts. of All Migrant Workers and Their Fams. (CRMW), General Comment No. 6 (2024) on the Convergent Protection of the Rights of Migrant Workers and Members of Their Families Through the Convention and the Global Compact for Safe, Orderly and Regular Migration, U.N. Doc. CMW/C/GC/6, para. 83.

[147]*Id.* at para. 85.

[148]*Id.*

[149]Desmond, *supra* note 143, at 476.

[150]On the definition and global spread of free movement regimes, see Free Move, *About*, UNIV. OF BRISTOL, https://www.freemovehub.com/about/ (last visited Jan. 30, 2026).

[151]Vincent Chetail, *The Transnational Movement of Persons under General International Law — Mapping the Customary Law Foundations of International Migration Law*, *in* RESEARCH HANDBOOK ON INTERNATIONAL LAW AND MIGRATION 1, 35 (Vincent Chetail & Céline Bauloz eds., 2015); Diego Acosta, *The Expansion of Regional Free Movement Regimes Towards a Borderless World?*, *in* CAUGHT IN BETWEEN BORDERS: CITIZENS, MIGRANTS AND HUMANS: LIBER AMICORUM IN HONOUR OF

of stay.[152] Nevertheless, free movement regimes can significantly facilitate transnational mobility and regular back-and-forth movement. If they include not only nationals of the countries that concluded the free-movement agreement, but also third-country nationals, they are particularly valuable for migrants to develop stronger ties in the region, to explore more possibilities for economic success and career development, and to connect to their diaspora communities in neighboring countries. The EU's long-term residence directive opens a limited path in this direction. Under the recast proposal for this directive, currently on hold in the legislative process, it would have been possible to cumulate periods of residence across multiple EU Member States to meet the requirements for long-term residence status. Cumulation of residence periods in various countries for the purpose of meeting the requirements for permanent residence recognizes the transnational networks enabling and structuring migration processes. Just like legal fiction, cumulation of residence periods allows migrants to be legally present in more than one country simultaneously and thereby accommodates the requirements of migrations as simultaneity.

3. Multiple Senses of Belonging and Hybrid Identities

Migration as simultaneity involves not only transnational migration patterns but also multiple, simultaneous senses of belonging to more than one country. As discussed, migrants may also develop hybrid and flexible identities that blend experiences in the past and the present, in their countries of origin and their current country of residence. Incorporating simultaneity into our temporal conception of migration offers the opportunity to reconceptualize social ties and belonging. It encourages us to acknowledge the complexity and "messiness" of migration as a lived experience that spans multiple places, societies, and relationships and to explore innovative frameworks and tools to reflect and embrace this. There are several ways in which such multiple senses of belonging and hybrid identities can be better recognized and accommodated in the law.

The recognition of dual or multiple nationalities serves as an important mechanism for acknowledging migrants' connections to more than one country or political system. For decades, there has been a trend of an increasing number of states recognizing multiple nationalities.[153] However, this recognition has recently been challenged by trends of re–temporalization, which permit the revocation of citizenship for naturalized individuals with multiple nationalities, particularly when they are deemed security threats.[154] Such practices generate new forms of precarity and risk, diminishing the value of citizenship acquired through naturalization and reviving the primacy of ties to the country of origin. In some jurisdictions, even permanent residency has become unstable.[155] Yet despite these pressures, recognizing multiple nationalities remains an ideal framework for embracing simultaneous belonging.

However, multiple senses of belonging and hybrid identities can also be recognized through other means. Political theorists have discussed several forms of participation below the threshold of citizenship. Rainer Bauböck has suggested to develop a form of "stakeholder citizenship" reflecting the legitimate interests of migrants in their countries of origin and residence and granting them rights to political participation in more than one political order.[156] Others have discussed voting rights for non-citizens, a model that has already been discussed controversially in

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Prof. Dr. Elspeth Guild 9, 10–12 (P. E. Minderhoud et al. eds., 2019). *See* Diego Acosta, The National versus the Foreigner in South America: 200 Years of Migration and Citizenship Law (2018), at 173–98.

[152]See *supra* text at notes 45–70.

[153]See for the European Union Lucas Jan van der Baaren, Dual Citizenship in the European Union : Trends and Analysis (2010-2020) 1, 17–19 (2020), https://cadmus.eui.eu/server/api/core/bitstreams/33027c79-25d1-5175-9691-1fd4d1d1fc3b/content.

[154]Stronks, Mindus, and Stern, *supra* note 2, at 298.

[155]See *supra* text at notes 45–70.

[156]*See generally* Rainer Bauböck, *Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting*, Fordham L. Rev. 2393 (2007).

several legal orders.[157] Migration as simultaneity presents a further, empirically grounded, conceptual reason why political participation should also extend beyond formal citizenship. It highlights the hybridity, context-dependence, and ambiguity of identities, thereby further calling for reconsidering conventional understandings of integration and emphasizing the interactional character of societal integration. A meaningful concept of denizenship,[158] i.e., a privileged status between a permanent resident and a citizen, would facilitate political and social interaction between newcomers and citizens, thereby helping to accommodate the simultaneity of belonging that many migrants experience.

The legal techniques introduced thus far in this section demonstrate how simultaneity can be integrated into migration governance, although this requires significant adaptation of case law and interpretation. The model of inclusion proposed here would no longer rely on the "silent arrow" of linearity[159] traditionally associated with the notion of "progressive inclusion." Instead, "progressive" would signify the recognition of the future as a vital dimension of the lived migration experience. It would emphasize the perspective of permanent inclusion, which must remain accessible to all migrants, rather than adhering to an expected linear progression of ties. It also resonates with the suggestion of introducing a *jus nexi*, according to which membership rests on social ties rather than on formal events such as birth, descent, or legal status.[160]

At the same time, recognizing multiple, non-temporal ties introduces the risk of qualifying and prioritizing human time based on factors such as status, economic contribution, skills, or marital status. There is an inherent meritocratic logic in using the recognition of ties as a criterion for granting rights. Unlike linear time, which simply passes, ties must be actively cultivated by migrants, requiring effort and measurable success. Moreover, it remains tricky to define when social, cultural, and economic ties have reached the threshold of being "worth" legal recognition. This is one reason why the concept of rootedness, understood as the mere passage of human time, holds appeal.[161] However, while the emphasis on rootedness aligns with many of the concerns raised here, it does not fully address the complexities of simultaneity, as it remains grounded in a linear conception of time and its associated limitations. A more promising approach to accommodating simultaneity in migration law would involve combining linear human time with the recognition of ties as a basis for granting rights.

4. Coexistence of Past, Present, and Future

Finally, migration as simultaneity invites us to acknowledge not only the overlap of past, present, and future in migrants' lives, but also to reflect on the trajectories of our societies' pasts and the impact of migration on their futures. One way of doing this is to critically reflect and question popular assumptions about sovereignty as the polar star of migration governance. Similarly, the conceptual connection between nationality and democratic rights has been questioned,[162] and the concept of borders has been challenged.[163] Further research is needed to critically reflect the

[157]Sarah Song, *Democracy and Noncitizen Voting Rights*, 13 Citizenship Stud. 607, 611–16 (2009); Andreas Samartzis, *Nationality and Equal Political Rights: A Necessary Link?*, 17 Eur. Const. L. Rev. 636, 657–62 (2021).

[158]On the concept of denizenship, see generally Tomas Hammar, Democracy and the Nation State: Aliens, Denizens, and Citizens in a World of International Migration (1990). For the discussion about integration through rights, see generally Sonia Morano-Foadi & Dora Kostakopoulou, *European Rights for Non-EU Citizens — 'Integration through Rights,'* 31 Eur. L.J. 114 (2025).

[159]Stronks, Mindus, and Stern, *supra* note 2, at 296. For a critique see also Anderson, *supra* note 2.

[160]Ayelet Shachar, *Earned Citizenship: Property Lessons for Immigration Reform*, 23 Yale J.L. & Humanities 110, 121–41 (2013).

[161]Stronks, *supra* note 2, at 65–96.

[162]Andreas Samartzis, *Nationality and Equal Political Rights: A Necessary Link?*, 17 Eur. Const. L. Rev. 636, 638–52 (2021).

[163]*See generally* Critical Border Studies: Broadening and Deepening the "lines in the Sand" Agenda (Noel Parker & Nick Vaughan-Williams eds., 2014); Lilie Chouliaraki & Myria Georgiou, The Digital Border: Migration, Technology, Power (2022); E. Tendayi Achiume, *Racial Borders*, 110 Geo. L.J. 445 (2022).

historical origins and transformations of key concepts of domestic and international migration law. Such a contextualization will not only illuminate how normalized forms of exclusion have been originally justified, but also which actors and structures have facilitated their normalization and help us to re–open our conceptual toolkit to address the challenges associated with the governance of migration.

As mentioned above, migration as simultaneity also invites us to take a fresh look at historical relations between migration-sending and migration–receiving countries. The debate about decolonizing migration law is particularly interesting in this regard. One prominent proposal has been advanced by Tendayi Achiume. She suggests understanding migration as a practice of decolonization. According to her argument, the colonial past and neocolonial practices of exploitation have contributed to the emergence of "transnational political communities" that connect the Global North and the Global South.[164] In this perspective, migration expresses a justice claim and can be understood as a form of political agency[165] and a remedy to various forms of imperial subordination.[166] This idea relates to research that has highlighted the interconnectedness between migration-sending and migration-receiving countries, while emphasizing the need to not only focus on historical relation, but also on contemporary dynamics.[167] These approaches highlight that transnational communities and migration practices are inextricably linked with global power structures from the past to the present. The colonial past is therefore simultaneously part of our regulatory present. However, it does not determine the present. Rather, it is a matter of political choice how we take this past into account, whether we break with it, transform it, or continue established relations of power asymmetry. The details of how migration as decolonization could be realized require further research, not least to define how direct the links between countries need to be to establish a right to migration as a de-imperial remedy,[168] who would benefit under which conditions, and which entitlements such a right would entail. In any case, the concepts of interconnectedness and migration as decolonization invite us to develop a research agenda that takes the trajectories of colonization and decolonization in migration law seriously, while at the same time acknowledging their intersection with more recent patterns of exploitation and inequality. It provides an analytical lens to conceptually incorporate the simultaneity of past and present power asymmetries between migration–sending and migration-receiving countries.

E. Conclusion

This Article argued that migration law predominantly conceptualizes migration as a sequential process. This is expressed by two temporal modes of governance: temporariness as the default mode of exclusion and linearity as the default mode of inclusion. However, as this Article has shown, a sequential view of migration misses migrants' lived realities, in which they build and sustain transnational ties and hybrid senses of belonging. Like the alpha egos in *Everything Everywhere All at Once*, they move across social universes and craft identities rooted in more than one world at once. Using temporariness and linearity to police exclusion and inclusion sidelines the past and the future as constitutive dimensions of migration and overlooks the complexity of the overlapping identities and cross-border ties that many migrants create.

Based on this analysis, the Article developed two reasons why the law should better recognize and accommodate migrants' lived realities. From an emancipatory human rights perspective, structural power asymmetries and entrenched domination between destination states and

[164]Achiume, *supra* note 75.

[165]*Id.* at 1567.

[166]*Id.* at 1565.

[167]Chantal Thomas, *The Struggle Against Empire Continues: Reflections on Migration as Decolonization*, 72 STAN. L. REV. 53, 55 (2020). For the full argument on interconnectedness, see Chantal Thomas, *What Does the Emerging International Law of Migration Mean for Sovereignty?*, 14 MELB. J. INT'L. L. 392, 443–51 (2013).

[168]Thomas, *supra* note 167, at 56.

migrants argue for migration law that centers migrants' needs and practices. From an epistemic perspective, persistent global inequalities and power asymmetries call for decentering the state and taking seriously the perspectives of those long sidelined—migrants and, often, their countries of origin.

To achieve this epistemic shift, the Article introduced the concept of migration as simultaneity. Simultaneity centers migrants' back–and–forth movements and their simultaneous ties to at least two societies at once. It treats migration as an ongoing process where past, present, and future intersect, and where attachments to multiple places coexist. This lens links time to space: migrants cannot be in two countries physically, yet their lives unfold across several locations simultaneously. It directs attention to the social, cultural, economic, and political relationships migrants build in both origin and residence. These ties foster circular movements and produce hybrid, sometimes ambiguous, senses of belonging. Migration as simultaneity also warrants legal recognition of these cross–border connections and views migration as relational and dynamic. Unlike linear models of belonging, simultaneity conceives belonging as fluid, intricate, and multidimensional.

Finally, the Article showed that migration law already contains some legal techniques that can better accommodate transnational practices and recognize migration as simultaneity. However, as the Article argues, much more could be done to accommodate the implications of migration as simultaneity. The Article suggested specific measures to improve the status quo to accommodate the four elements of simultaneity: sustained cross-border ties, regular cross-border mobility, multiple senses of belonging and the coexistence of past, present, and future. It suggested to allow more generously for cross-border mobility by counting absences towards required periods for naturalization and long-term residence status, to introduce long–term multiple entry visas not tied to a single employer, to revise the interpretation of protection against expulsion so that it would no longer conceptualize social ties as a "zero-sum" game, to combine a clear and realistic path to citizenship combined with the broad recognition of dual citizenship, and to provide for legal pathways to migration that reflect historical relations of exploitation and domination.

Embracing simultaneity in migration law would enable it to move beyond the reductive binaries of before/after and here/there. It would realign legal categories with migrants' lived temporalities and spatialities, restore the relevance of both past and future to present belonging, and offer concrete doctrinal pathways to minimize unjustified exclusion while sustaining ordered plural memberships. Most fundamentally, adopting simultaneity would support a more emancipatory migration law that aligns with core human rights principles and advances an epistemic shift responsive to persistent power asymmetries and ongoing exploitation and domination in contemporary migration.

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