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# Shaping Citizenship: Dynamic Relations Between the Reified and the Consensual Universes in Defining the "Good Foreign Resident"

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## Abstract

A social and political psychology of citizenship can be furthered by the analysis of the values and representations through which citizenship is constructed in the text of laws and reconstructed during implementation and how these (re)constructions best serve some groups. This article views laws as facts from the reified/institutional universe whose texts operate a simplification process by prioritizing certain values from the plurality existent in the consensual universe and sees institutions in charge of law implementation as mediating systems operating re-complexification processes. Using this perspective, it (1) explores how the values and social representations prioritized in Portuguese foreign residency laws exclude/include certain groups and define rights and duties of "the good foreign resident/citizen"; (2) illustrates with interviews with experts from a mediating system (n = 6) the re-complexification of the laws in implementation. It highlights how the "worthiness" of foreign residents in Portugal depends upon three central values (work, study, and investment) keeping, however, some ambiguity of these values in the legal texts. Interviews illustrate how mediating systems re-signify the laws, amplifying the ambiguities by resorting to other values and representations. We discuss how the analysis of the dynamic relation between the reified and the consensual universes contributes to a better understanding of how macro-level factors interact with everyday citizenship.

## Keywords

The forms of conceptualizing what *citizenship* is and should be are plural, hence debated and contested (Condor, 2011). This plurality of conceptualizations is evident in the literature of social and political psychology and other disciplines studying citizenship (Andreouli, 2019; Andreouli & Howarth, 2013; Kadianaki & Andreouli, 2017; Xenitidou & Sapountzis, 2018). But it cannot be overlooked that this plurality is also visible in legal texts with implications for the formal definition and regulation of the various domains of citizenship, and it is very evident too in everyday discourses and conversations about, for instance, who should be able to receive naturalisation, or what rights and duties resident foreigners should have (Politi et al., 2023). This paper contributes to this debate by drawing on the Theory of Social Representations (Moscovici, 1988). This is an approach interested in how shared meaning resources, such as values and representations, are constructed and transformed in everyday, common-sense, universes, but also in reified/institutional spheres – e.g., parliaments or universities – as well as in the relations between both (Andreouli & Howarth, 2013; Batel & Castro, 2018; Foster, 2003).

Drawing from this approach we specifically conceptualize citizenship as relational, seeing it as emerging from the interdependent and dynamic relations between the everyday universe and one of the elements of the institutional

universe: the legal/governmental sphere. This is where (more or less) collective agreements about the "right" and "wrong" values and representations for guiding our lives together in a nation are turned into laws and policies (Castro, 2012; Castro et al., 2018; Castro & Santos, 2020; Elcheroth et al., 2011; Gray & Griffin, 2014). We thus propose a conceptualization of *citizenship* that considers both the macro-level of institutional facts – e.g., laws and institutions – and the micro-level of rights-claiming from citizens that advance everyday re-elaborations of those definitions (Kadianaki & Andreouli, 2017; Xenitidou & Sapountzis, 2018).

Drawing from this perspective the paper explores the views of citizenship constructed in the texts of a set of laws that regulate the rights and duties of foreigners seeking to enter and reside in Portugal, one of the domains of the formal regulation of citizenship (Bosniak, 2006). We look at how the values and representations in those views define the "good" (as well as the undesired) foreign resident, excluding/including certain (foreign) individuals and groups, and offering/not offering specific rights and duties to those included (Bosniak, 2006; Schrover & Schinkel, 2013).

This perspective also highlights the importance of understanding how the text of laws, often generic, is re-signified in points of intersection between the institutional and the everyday universes, where their interdependent relations are particularly noticeable: the mediating systems in charge of implementing laws. In these systems public service professionals, experts or officials, interact with the public in connection with the various steps involved in the implementation of a law or policy (Castro & Batel, 2008). And there they have both autonomy and discretion (Lipsky, 1980) for interpreting the laws through their own views of what is "right" and "wrong" (Castro & Batel, 2008; Morant, 2006). In this study, these still understudied processes are illustrated with interviews with professionals from an institution that helps foreign residents comprehend and use foreign residency laws.

In sum, the paper focuses on topics and processes relevant for a better understanding of the (plural and debated and thus always provisional) definitions of the *good* foreign resident/citizen: processes that are thus relevant for a social and political psychology of both citizenship (Andreouli, 2019), migration (Verkuyten, 2018) and mobility (Di Masso et al., 2019). In what follows, our perspective is outlined in further detail. Then the paper explores, in the text of the Portuguese foreign residency laws, the extent to which and how certain values and representations are prioritized over others for defining the *good* foreign citizen, and how this changed over time. Afterwards it focuses on the interviews with experts from mediating systems for illustrating how the laws are/can be re-signified in implementation.

## Two Sides of Citizenship: The Institutional and the Everyday

Social studies of citizenship have evidenced its double face: how citizenship is a mechanism of control, as well as one of empowerment (Bloemraad, 2018; Bosniak, 2006; Vink, 2017); a tool for helping channel the agentic engagement of people in the tasks of re-configuring the power relations they want to see transformed, but also an instrument creating new structures for coercing agency. The two-sidedness of citizenship illustrates how the tension between "agency and structure" (Giddens, 1979) – or the tension between the macro-level of institutional/formal rights and duties and the micro-level of everyday claims about rights and duties (Andreouli, 2019; Condor, 2011; Di Masso, 2012; Xenitidou & Sapountzis, 2018) – is at the core of citizenship. So far social and political psychology have mostly explored the perspective of the citizens themselves. Research has for instance looked at how certain laws affect and are contested by people and groups during implementation (Castro & Batel, 2008; Castro & Santos, 2020; Figgou, 2016; Kadianaki & Andreouli, 2017), focusing on the "generalization phase" of new laws (Castro, 2012). This research has also unveiled how certain identities and meaning-systems are linked to certain rights-claiming by the ordinary citizen (Andreouli & Howarth, 2013; Barnes et al., 2004). A few studies have also looked at how "located" citizenship challenges the values and rights being mapped onto places (Di Masso, 2012). Therefore, still lacking is a more comprehensive focus on the psycho-social dimensions associated with the institutional side of this relation, necessary for several reasons. First, for understanding the choices and priorities of meanings, e.g., social representations and values as goals for orienting action (Schwartz, 2012), incorporated in the text of laws. These are choices that include or exclude certain groups and offer/deny them certain rights (Andreouli & Howarth, 2013; Gray & Griffin, 2014), thus defining the *good* citizen. Second, for unveiling the processes of *simplification* that the text of laws operates, by choosing to incorporate (only) some of the multiple meanings existent in a polity and by pointing clear directions for action. Third, for unveiling how sometimes these texts also leave open certain dilemmas and choices through ambiguous formulations (Billig et al., 1988;

Gray & Griffin, 2014; Xenitidou & Sapountzis, 2018). Fourth, for comprehending how these meanings are re-elaborated by experts and officials of mediating systems in charge of implementing the laws, who, ultimately, can open the door for meanings not incorporated in the text of laws to enter implementation (Castro & Batel, 2008; Ellis & Bhatia, 2019; Figgou, 2016), operating processes of *re-complexification*.

Regarding a social and political psychology of citizenship and migration, this perspective calls for attention to how the meanings inscribed in the legal frameworks regulating foreign entry and residency define the *good foreign resident*. For instance, in most European countries, people who arrive to work in a factory already with a contract will be accepted; if they come as street artists to live from street donations, they may not be seen as "good foreign residents", being refused residency. These frameworks, defining under what conditions non-nationals are deemed or not deemed worthy of entering and staying in a country *and establishing their rights and duties*, constitute a domain of citizenship (Bosniak, 2006), such as those of naturalization or permanent residency.

Moreover, and illustrating the dynamic interdependence of the reified and the consensual universes, in time the laws can change to accommodate new meanings about the *desired-undesired* foreigners. This happened recently in many European countries with the creation of residency-by-investment laws placing a specific economic value, that of high capacity for "investment", usually in real-estate, as a new basis for residency rights leading up to rights to apply for naturalisation after a few years (Shachar, 2017) even if the person does not work or live in the country (Amante & Rodrigues, 2021; Gaspar & Ampudia de Haro, 2020). A closer look is thus needed to the role played by foreign residency laws in legitimizing forms of mobility and today's expanding categories of foreign residents (e.g. economic migrant, expatriate, visiting student, sojourner, investor, refugee). There is still little knowledge about how these different categories are created, how they are enabled and normalized in a polity, and how they affect intergroup relations through their creation of different categories of foreigners with different rights for entry and residency through specific rules (Santos et al., 2023). For example, residency-by-investment programmes offering a "smoother route" to apply to naturalization (Tanasoca, 2016, p. 182) are only available to wealthier foreigners, which sometimes are not understood as migrants in the receiving country (Santos et al., 2020), that nevertheless played a role in rising housing prices, affecting other (local) groups.

The importance of these laws and how they reify certain meanings of citizenship is acknowledged in the social psychology of both citizenship and migration (Verkuyten, 2018). However, the actual analysis of what are the meanings that these legal texts incorporate and privilege and how, is usually not developed (but see Andreouli & Howarth, 2013, Gray & Griffin, 2014 for analysis of legal brochures). In order to advance a social and political psychology of citizenship, however, it is necessary a scientific understanding of how non-nationals are included/excluded from societies (Elcheroth et al., 2011), and offered different rights and duties. For this it is crucial to explore and integrate the relations between the institutional/reified sphere and the everyday/consensual one. As mentioned, these relations are conceptualised by the Theory of Social Representations, and we now turn to them.

## The Reified and the Consensual Spheres and Mediating Systems

For the Theory of Social Representations, our relational and meaning-making life is moved forward by opposing forces: consensus and contestation. The former is expressed in the construction of collective agreements and the later in the "battles of ideas" that unceasingly question them (Moscovici & Marková, 2001, p. 252). Some consensus and collective agreements are reified through formal institutions, creating the reified sphere (Moscovici, 1981), which establishes rules, defining certain knowledges, meanings, and actions as the right ones, prescribing them to all (Moscovici, 1993), seeking to "rationally" organize the world (Morant, 2006). The first example used for illustrating the modes of operating of the reified universe (Moscovici, 1981, 1993) was science as a stabilizer of the "right knowledge" from the plurality of common-sense ones. Laws are another example of facts from the reified sphere (Castro & Santos, 2020): the values (e.g., solidarity, self-improvement) and representations they incorporate are *chosen* and given an order of importance (Castro et al., 2018), their legitimacy granted for as long as they remain shared (Negura et al., 2020). Contrarily, the universe of the everyday is a heterogeneous one keeping multiplicity of meaning and action alive by accommodating different perspectives (Billig et al., 1988; Moscovici, 1988). While the original conception proposed an over-sharp distinction between the reified and the consensual universes (Moscovici, 1993), later proposals highlighted how they

evolve in interaction (Batel & Castro, 2009; Foster, 2003), emphasizing the usefulness of these notions for exploring the processes and power dynamics involved in the legitimation of certain representations over others (Barnes et al., 2004; Batel & Castro, 2009; Tuffin & Frewin, 2008). For instance, new ideas disseminated in the consensual universe by active minorities can sometimes reach high consensus in a nation, originating new laws, which can later start eliciting contestation, and may be re-adapted, or even repealed (Castro et al., 2018).

Making choices prioritizing certain meanings (e.g., freedom over security, or vice-versa), the texts of laws are a *simplification* of the heterogeneity of meaning existent in a nation. However, the text may keep some dilemmas open (Billig et al., 1988; Gray & Griffin, 2014): for example, by identifying desirable goals while not defining guiding rules to achieve them. This makes the laws easier to re-signify when implemented (Castro, 2012; Batel & Castro, 2009). Also, the creation of laws privileging certain shared values and representations, does not make contradictory ones disappear. Sharedness in a nation is inevitably imperfect: not all individuals and groups will share even the more consensual values and representations; and not all individuals and groups will prioritize them in the same ways (Barnes et al., 2004). This means that a range of reactions are to be expected when new laws are implemented – from acceptance to contestation (Batel & Castro, 2009; Castro & Santos, 2020) – even at the institutional level (Ribeiro et al., 2014). This also means that, nourished by the plurality alive in the consensual sphere (Billig et al., 1988), agency and transformation can find their space (Howarth, 2006; Moscovici, 1981).

Mediating systems in charge of implementing the laws, where experts need to manage the interaction between what the laws prescribe and their own representations and values, are places where such agency finds space. In other contexts, research with mediating systems has shown, for example, how experts in urban development can re-interpret public participation laws in ways that minimize their potential for changing participation practices (Castro & Batel, 2008) or how mental health professionals integrate science with everyday experience to design treatment plans for their patients (Morant, 2006). Therefore, analysing the ways in which experts mobilise meanings is a way of exploring the dynamic relations between the two universes, and their fluid nature, unveiling the processes involved in re-enforcing some values and representations, rather than others.

## Context, Objectives and Research Questions

The Portuguese legal framework for Foreign Residency, regulating the entry, exit and permanence of third country nationals, was first established in July 2007 by a law (*Law 23/2007 of July 4*), followed by a regulatory decree and consequent alterations. This is the set of documents we will analyse. In turn, the main mediating system/institution applying these laws is the Portuguese Foreigners and Border Service (*Serviço de Estrangeiros e Fronteiras*), aided by other governmental agencies helping foreigners make sense of the laws and the procedures for obtaining legal residence. The experts interviewed for this study are from one such institution, composed mainly by lawyers and social workers that help foreign residents navigate these laws from a governmental perspective.

Focusing on this legal framework (*n* = 11 legal documents) and on interviews (*n* = 6) with the above-mentioned experts, the paper aims to investigate:

a. the (choice of) values and social representations defining the "*good* foreign resident" that the texts of the laws incorporate, and how they changed between 2007 and 2018;
b. how the text of law operates a *simplification* process by choosing to integrate only some meanings (values and representations) from the heterogeneous and contradictory ones existent in the consensual universe; and also whether and how, in some areas, this text allows ambiguity and diversity to remain;
c. how experts from a mediating system translate the legal text into everyday practices, particularly exploring how interpretation for implementation may *re-complexify* the meanings of citizenship that the laws proposed, allowing other values and representations to help make sense of it.

# Material and Method

## Legal Documents

The 11 documents collected – produced over 11 years (2007-2018) – form the main legal framework regulating the entry, exit and permanence of third country nationals in Portugal: (1) the main *Law 23/2007 of July 4* and its 5 alterations (*Law 29/2012 of August 9, Law 56/2015 of June 23, Law 63/2015 of June 30, Law 59/2017 of July 31, Law 102/2017 of August 28*), comprising on the whole 6 legal documents; (2) the regulatory decree associated with the main law – *Regulatory Decree 84/2007 of November 5* – and its 4 changes (*RD 2/2013 of March 18, RD 31/2014 of February 27, RD 15-A/2015 of September 2 and RD 9/2018 of September 11*) comprising on the whole 5 legal documents. Other documents specifying procedural aspects, particularly fees to be charged, were not examined because they were less pertinent (e.g. *decrees 1334-E/2010; 35-A/2012*). Some sections of the legal documents analysed were also excluded as non-pertinent: those related to tourists, and human trafficking.

Legal documents are usually organized as follows: chapter, section, and articles. A thematic analysis was performed (following Batel & Castro, 2018; Braun & Clarke, 2006) analysing the values – i.e., the goals that are deemed desirable ends to our actions (Schwartz, 2012) – that they uphold and the representations they help construct. The articles sequentially numbered throughout the documents, are used to support and illustrate the analysis exploring the values and social representations guiding their choices of authorisations and prohibitions.

## Legal Experts

We contacted one governmental institution in the city of Lisbon that provides legal and social support to foreign residents explaining the aims of the study. In total, 6 experts agreed to participate – 4 legal experts and 2 social workers. All participants were female, and one had a migration background. The name of the institution as well as details on the participants are omitted to grant them confidentiality. The first author conducted the interviews (mean duration = 1h42), after informed consent was obtained, from July to September 2019. There were questions about their everyday work-place activities and the type of support they provided to foreign residents, instigating reflection on the obstacles and challenges related to the implementation of the law. Interviews were tape-recorded with the participants and the institution's consent and transcribed *verbatim*. We performed a discursively oriented thematic analysis, focusing on content and process (Batel & Castro, 2018), to explore how the proposals of the law are made sense of in their daily understandings, and the processes involved in the interpretation for implementation of the meanings of the law. The most representative extracts will be used to illustrate the analysis.

# Analysis and Discussion of the Legal Documents

In what follows, a descriptive analysis of the formulations of the legal articles is first presented. Secondly, the transformations across 11 years are identified. By comparing the values in the articles/sections excluded, added, and altered, we evidence how the choices for defining the "good foreign resident" changed along the years, and the consequences of such choices to how certain individuals and groups are excluded/included and are offered/not offered certain rights, as well as how these choices are simplifying and/or contributing to ambiguity in the meanings of citizenship.

## Values and Social Representations in the Laws

The law defines necessity criteria for residency that are to be applied to all (art. 74º, 75º, 76º, 77º, 78º, 79º, 80º, 81º, 83º, 85º) – e.g. showing a clean criminal record. Then it defines specific criteria and specific requirements for entry and permanence that are adapted to the different migration purposes.

The reasons that the text of laws defines as valid for accepting foreign residents – i.e., the *reified reasons* for granting them entry and residency – are anchored in certain values, which, in turn, accommodate a range of slightly different regimes by specifying the intended activities and the criteria to pursue them with more detail (see Table 1

for a summary). The three big purposes that the law specifies today as acceptable for residency are the following: work (8 regimes), study and unpaid work (6 regimes) and investment (1 regime). Family reunification (1 regime) and humanitarian reasons for residency (2 regimes) are secondary values only granted when primary values are fulfilled.

**Table 1**

*Choices of Values According to the Articles Regulating Them and the Residency Regimes Defined*

| Values | No articles | Articles | Regimes |
|---|---|---|---|
| Work | *n* = 39 | art. 51°-A, 55°, 56°, 56°-A, 56°-B, 56°-D, 57°, 59°, 60°, 61°, 61-A°, 71°, 71° -A, 88°, 89°, 90°, 116°, 121°-B, 121°-F, 121°-H, 121°-I, 121°-K, 123°-A, 124°-A, 124°-B, 124°-C, DR 17°-A, 19°, 19°-A, 21°, 22°, 23-A°, 30°, 31°, 32°, 54°, 55°, 56° | (*n* = 8)<br>• seasonal contract work<br>• contract worker<br>• independent worker<br>• teaching, highly qualified and cultural work<br>• EU residents in Portugal as contract or independent workers<br>• EU "Blue card" for highly qualified workers<br>• company transfers in EU<br>• within company transfers |
| Study and Unpaid Work | *n* = 24 | 54°, 57°, 62°, 63°, 91°, 91°A, 91°-B, 91°-C, 92°, 93°, 94°, 95°, 96°, 97°, 97° -A, 116°, DR 23°, 23-B°, 33°, 57°, 58°, 58°-A, 58°B, 60° | (*n* = 6)<br>• university students<br>• researchers<br>• high school students<br>• trainees<br>• volunteers<br>• EU residents in Portugal enrolled in a training programme |
| Investment | *n* = 8 | 90°-A, DR 65°, 65°-A, 65°-B, 65°-C, 65°-D, 65°-E, 65°-K | (*n* = 1)<br>• investment |
| Family reunification | *n* = 12 | 64°, 98°, 99°, 101°, 103°, 100°, 106°, 107°, 108°, 118°, DR. 66°, 67° | (*n* = 1)<br>• family reunification (associated to other regimes only) |
| Humanitarian Reasons | *n* = 5 | 68°, 122°, 123°, DR. 61°, 62° | (*n* = 2)<br>• exempt of entry visa<br>• situations of exception that need to be analysed case by case |

In this law, *work* is the main value, i.e., the main *goal* recognized as the basis for foreign residency in the nation, defining a foreign applicant or resident as *acceptable in the country*. This means that the *good foreign residents* are mainly represented in these legal texts as those who can contribute to the country by engaging with the formal job market, guaranteeing (at least) a minimum wage income; here, contract worker (art. 88°) and independent worker (art. 89°) are examples of regimes, but all regimes partake of the same representation of work being the main value that should open the doors for non-nationals to enter the country. To be granted through work, the right to reside requires presence: it is only granted/renewed to those staying at least 6 months per year in the country (art. 85° 2-).

The second value, or desirable goal, supporting the possibility of receiving residency rights is *study*. This means those seeking self-improvement through study are also represented as worthy foreign residents. However, self-improvement must happen in formal programmes (residency is less possible, for instance, for people who might wish to settle to make autonomous research for a book). However, these residents cannot stay after this activity ends, contrarily to work and investment regimes, which allow long-term permanence.

The third value is *investment* (art. 90°-A); residency rights are granted to people that invest in different areas, namely, in the purchase of real estate for more than 500.000 euros or the creation of jobs. Residents-per-investment have the right to stay long-term, as do residents per work, yet they have totally different duties regarding length of stay. They have a mandatory stay of only 7 days a year (RD art. 65°C), not 6 months. In practice, this is expressing that residency-per-investment is as important as physical permanence.

The right to family reunification is a secondary one, only granted to individuals already accepted under one of the three main values/goals (work, study, investment) for residency. Yet the right to family reunification is not equal for the

three main values – not all types of students have the right of bringing close family members to join them, for example, while all investment residents have this right. This means that residency for self-improvement is represented as not needing the support of family, whereas investment residency is represented as requiring it.

Humanitarian reasons for residency serve as a pathway for exceptional cases. For example, individuals who are already employed in Portugal and have established work, family, and community ties in the country, but remain undocumented, often try to obtain residency permits through this path.

In other words, non-nationals are deemed "worthy" of staying in Portugal when aligned with the values of work, study, and investment as important goals to be pursued. The above-mentioned regimes for residency, thus operate a simplification process by privileging these three values, or goals, over the multiple other potentially valid reasons/values that are not recognized, such as work without contract or study without the enrolment in a formal institution, for receiving residency rights, and defining with them the "*good* foreign citizen".

Next, the analysis will clarify how new values were added or became more prominent over time, in some cases helping accommodate (some of) the diversity of contemporary mobility.

## Transformations in the Law: Processes of Simplification and Plurality

As new meanings become more shared in society, they are sometimes reflected and visible in new formal collective agreements: legal innovations, i.e., new laws or alterations to old ones (Castro, 2012; Negura et al., 2020). Since the creation of the main Portuguese foreign residency law in 2007 (*Law 23/2007 of July 4*), 5 alterations were published that brought transformations to the residency options available (see Table 2 for an overview). The most considerable changes relate to the residency-by-investment programme, although other important changes affected study and work regimes.

**Table 2**

*Transformation of the Foreign Residency Laws 2007-2017*

| 2007 – Foreign Residency Law 1-220 Articles | 1. August 2012 | 2. June 2015 | 3. July 2015 | 4. July 2017 | 5. August 2017 |
|---|---|---|---|---|---|
| Articles Altered | 58 | 3 | 5 | 3 | 22 |
| Articles Added | 19 | – | – | – | 25 |
| Work | ++ Possibilities for qualified workers | | + | ++ Residency permit for undocumented workers | ++ Possibilities for qualified workers |
| Study | | | | | ++ Mobility possibilities for students |
| Investment | +++ Introducing investment residency permits | | +++ New investment possibilities | | + |

*Note.* + small alterations; ++ medium alterations; +++ major alterations.

The legal innovation of residency-by-investment was first implemented in 2012, during the first alteration of the law, and makes consumption/property a value or goal as relevant in society as production, a trend reflecting neoliberal priorities (Comaroff & Comaroff, 2001).

In the third and fourth alterations, options for residency-by-investment were expanded from 3 to 8. New investment possibilities – in urban rehabilitation programmes, scientific and cultural initiatives or in small to medium companies –

were added and investment through the creation of jobs was reduced from 30 to 10 jobs. This might have been an attempt to diversify the focus away from the real estate market that until then had been by far the largest preference of applicants (SEF, 2017). The 2015 alteration also resulted in the clarification of procedures, contemplating different scenarios for long-term residency and family reunification (not initially contemplated). The easing of these procedures signals that investment was being prioritized as a value. By supporting this possibility, moreover, the laws also legitimize social representations that view wealthy travellers who pursue cosmopolitan and global lifestyles (Calhoun, 2002) as desirable, weakening the role of long-term permanence in citizenship-making.

Some further alterations establish clearer guidelines for better supporting the mobility of highly qualified workers, academic researchers, and investors. Together, these transformations legitimize mobility rights as natural and unproblematic for certain groups, differentiating characteristics (capacity to invest, or to work in highly qualified professions) that are worthy of receiving more rights, creating groups and identities that are in practice different (Santos et al., 2023). This suggests that as migration becomes diversified, there is a surge of more global and complex understandings of identity and belonging (Ellis & Bhatia, 2019) and the law accompanies this flexibility – yet supporting and defining as acceptable only some of these identities (Calhoun, 2002).

Now regarding the work regimes in particular, the transformations in the text of the law further accommodate the value of fiscal participation in the country. From 2017 onwards, all those *working and already paying taxes* in the country are automatically granted residency, even without a residence permit. In the first version of the law this was an exception: sometimes residency was granted to those paying taxes without the right to do so. This means that in the past, although this regularisation was already possible, it was left to institutional discretion (Gil, 2017). To solve this ambiguity, the recent alteration makes it a rule that all taxpaying workers will be granted a residence permit[1]. This transformation, therefore, offers high priority to people's capacity for engaging with the labour market (Langhout & Fernández, 2018) regardless of the condition in which the person entered the country. This illustrates how the ambiguities in the law have created potentialities for re-signification: i.e., these ambiguities offer the professionals implementing the law the possibility of – through their interpretations – either restricting or expanding people's rights in practice (Barnes et al., 2004; Castro & Batel, 2008; Tuffin & Frewin, 2008).

Finally, residency through humanitarian reasons did not suffer any alteration, keeping its vague formulation. The ambiguity of the procedures and requirements, in this case, constitutes a reservoir of last resort options to solve cases when foreign residents do not seem to "fit" other predetermined values and regimes. Yet it also makes it a secondary value, difficult to put into practice for itself.

In sum, the texts of the laws define the relevant values that are to be the criteria for foreign applicants to be accepted as residents (work, study, investment) thus operating a *process of simplification* by leaving out a range of other potentially relevant criteria, for example, studies of non-formal programs, or even colonial reparation, through the offer of full residency rights to those born in the country's former colonies. Yet the texts also leave dilemmatic, less clearly defined paths, as mentioned, regarding the cases of undocumented contract workers that used to depend on the institutions' decision for receiving permits, or asylum seekers. These less defined paths open the door for other values that were left out of the laws but remain alive in the consensual universe to enter, i.e., open the door for *processes of complexification.*

The processes of complexification depend heavily on mediating systems, the main protagonists in opening the (interpretation of) laws to other values and representations not originally contemplated. This is explored next, in our interviews with those experts who have agency to operate within mediating systems.

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1) The Portuguese Foreigners and Border Service was vehemently against this alteration (Marcelino, 2017). They claimed that there were no institutional conditions to implement this regularization mechanism and led to the resignation of the director at the time.

# Analysis and Discussion of the Interviews With Experts

## Mediating Systems in Re-Signifying the Laws

In choosing some goals/values/meanings for anchoring the decision of allowing foreign residents to (legally) stay in the country, the text of law operates simplification processes: from the multiple and heterogeneous potentially relevant meanings living together in the polity, these are the ones selected. Yet, those implementing the laws in mediating systems are known to have agency – namely, autonomy and discretion (Lipsky, 1980) – in their interpretations (Morant, 2006). For these they draw from the heterogeneity of the consensual universe, and thus their re-significations may result in *re-complexification* (Castro, 2012). We will illustrate how mediating systems (1) can complexify through institutional inconsistency or lack of regulations, and (2) can interpret the legal proposals using representations that make group differences more prominent, further re-enforcing these.

### Complexifying by Interpretation

The interviewees all insist on the centrality of the processes of interpretation of the law, highlighting the distinction between 'legal theory' and 'institutional practice' and how often these are unconnected. This is shown below, where a legal expert (Extract 1) and a social worker (Extract 2), describe the law itself as well designed and with no need for improvements: it is clear and provides rules for action. However, its implementation is presented as *lacking consistency* in the bestowing of rights to foreign residents (Extract 1), or as *lacking verification* (Extract 2). In both cases, the depictions point out how implementing the laws may result in lack of stability of their meanings, introduced by re-significations and the space for action they open.

#### *Extract 1* – **Legal Expert 1**

> *Most difficulties do not come from the law. It's from... what we usually say, is, well, each public service has its own law, isn't it? And then each one of them has their own interpretation of the law. For me that's the issue, most of the times the more complicated one, which is... most of the times there is no full, hum... consistency... in the implementation of the laws, not even within each institution.*

#### *Extract 2* – **Social Worker 1**

> *I believe that the law itself does not need alterations; it is the implementation of laws that is not being verified. Services are not complying with the law in Portugal. Namely, and related to my work, the Social Security service doesn't... the law says that every citizen with a residency permit is entitled to a social security number. It facilitates a lot, in terms of social support, but Social Security services do not comply.*

The lack of consistency is clearly situated in these extracts in the realm of the agency of mediating institutions and not in the text of law, as different institutions develop "their own laws": through different ways of interpreting the text. These interpretations are necessarily anchored in meaning categories: values and representations that can be expressing institutional cultures but also personal positions (Castro & Batel, 2008). In this sense, these extracts illustrate the acknowledgement of these professionals of how meanings from the reified universe become in practice populated by non-reified ones, how heterogeneous representations from the everyday universe, re-gaining their place inside and alongside the reified ones, result in configurations in which the reified and consensual are deeply intertwined (Morant, 2006) but may become difficult to contest (Batel & Castro, 2009).

According to the experts, the inconsistent interpretations and practices of institutions can be due to the absence of a regulatory decree that explains how 'practice' should be met by defining guidelines, as seen in Extract 3.

#### *Extract 3* – **Legal Expert 2**

> *Then, the law comes out, usually, the regulatory decree comes out too, if it does not, the law cannot be applied in a lot of situations, because without the regulations we can't know what it means, because regulations define documents, procedures, all those things. The law is generic, fine, from there on...*

*we... if a regulatory decree doesn't come out immediately after, it's an impasse, a yes/no situation... the (old) law can't be applied, as it was repealed, so that's when Foreigners and Borders Service (the primary mediating institution) sometimes offers us some guidelines, 'you do like this, you do...'. Those are guidelines we try to follow. Which is also a bit... (...) The law writes more or less the documents needed but we know that in practice that... well, look, Foreigners and Borders Service... Foreigners and Borders Service is close by and we know that it's never only that document that is needed.*

Extract 3 refers again the process of re-complexification of the reified, now in even further detail, and elucidating how it is linked to the fact that the main law is not detailed enough to explain procedures and bureaucratic practices associated with its values. A regulatory decree needs to be issued so mediating systems, and foreigner residents, can make sense of the law. It is the primary mediating institution in these matters, the Foreigners and Borders Service, that guides other mediating systems to adapt to the lack of guidelines. The legal experts here interviewed have a privileged access to this Service, with the means to contact it directly, and that is how they advise the foreign residents that seek them. "It's never only that document that is needed" is a sentence suggesting that the law gives ample space for re-signification of how its meanings can be turned into specific rules and documents to be filled. By doing this, however, the primary institution uses its autonomy and discretion to re-signify the law in ways that are not completely public or transparent, posing challenges to citizenship access.

## Complexifying by Accentuating Differences Between Groups

The laws already establish differences between groups of foreigners through the different rights they accord them. They can also, moreover, be said to be re-complexified by the amplification of those differences operated by mediating systems. For instance, the work regime for residency is tightly connected with the "economic migrant". The lack of institutional consistency and procedural clarity in bestowing foreign residents their rights is shown by the analysis so far as adding to the disempowerment of these migrants. As illustrated below (Extract 4), foreign residents that want to settle by means of work "are willing to do anything" to gain a legal status, a situation the law itself creates, but that employers use to their benefit.

### Extract 4 – Social Worker 1

*Migrants, in their minds they have no rights, they already know they have no rights, and they are willing to do anything, they come looking for us, in my office, even in triage or the judicial departments... they know they have no rights, so they go and they work, they work as kitchen helpers, because they know that only by paying taxes to social security can they (one day) get legal documents and change their lives.*

Extract 4 describes the dilemma of achieving a legal status through work. As previously described, a legal residency status depends on people's capability to pursue work regardless of their documental situation. The law then shapes the ways in which citizenship is lived, but also, how it can be claimed (Anderson & Gibson, 2020), contributing to a legal context in which migrants know that they *need* to be in a situation in which "they have no rights" to eventually gain those rights (Andreouli & Dashtipour, 2014), amplifying the representation of the "economic migrant" as "helpless" (Santos et al., 2023).

The situation of the foreigners who obtain residency by means of investment is presented quite differently (Extract 5): their wealth is presented as providing resources to aid the process of residency application. In this case, the complexification of citizenship is not due to lack of clarity in the law or its procedures.

### Extract 5 – Legal Expert 3

*People with a golden visa* [investment residency permit], *those are people... we're talking... people that are very well, financially, that can come here, it's easy for them to come and go, they can afford it, the other people that come here, they come because they want a better life. Contrarily, those* [investors], *they see here just another possibility for investment and enrich. They don't have the same difficulties. (...) compared to others, the process is very quick, quicker than for other people that are*

*in a more vulnerable situation. They get here, they do it, they even have a specific department that only deals with golden visas, it's not general Foreigners and Borders Service, and they also usually have lawyers… they can skip the line, they have priority in scheduling.*

The ways in which the legal stipulations are put into practice, by making clear the differences between groups through institutional treatment, further complexifies citizenship and societies, as these differences are institutionalized (Andreouli & Howarth, 2013; Santos et al., 2023). There is an accentuation of differences between the more vulnerable and the wealthier foreign residents not only because their rights are different, but because the institutions treat them differently as well. In turn, the differentiation re-enforces different representations: of those who can afford mobility, and those whose mobility is a way of seeking "better lives" and are more "vulnerable". This description helps to show how legally defined categories of foreign residents are then integrated and re-interpreted in light of understandings of mobility's rights and privileges, crystallizing them in the everyday. These differences result in different ways of understanding/representing and dealing with the (foreign) Other. They illustrate how laws create new groups/identities that can become the basis for further inequalities and serve as justification for inclusion and exclusion in the everyday experience of citizenship (Castro & Santos, 2020; Schrover & Schinkel, 2013).

# Discussion

This paper has sought to contribute to the social and political psychology of citizenship by presenting a dynamic perspective of the relations between the institutional and the everyday universes. It has used this perspective to explore the role of the legal/institutional universe in operating simplification processes *vis-à-vis* the complexity of the meanings – values and social representations – of the everyday universe, by choosing only certain of them for guiding their entry and permanence, leaving out others that might also be seen as relevant for defining the "good foreign resident". It also explored the role of mediating systems in re-signifying these meanings, operating processes of re-complexification. The dynamics involved in the relation between the reified and the consensual universes, through mediating systems, account for many power dynamics at the core of the concerns of a social and political psychology of citizenship (Andreouli & Howarth, 2013). These dynamics were accessed by exploring the values and meanings incorporated in the law and analysing how laws are implemented and re-signified in practice through the accounts of a governmental institution that closely guides foreigners in making sense of formal citizenship requirements.

Looking at the primary legal documents themselves, and not just secondary sources, like legal brochures that aim at explaining the law, it was possible to understand how the text of the laws incorporated choices of (only some) values, work, study and investment being the main ones. Yet it was also possible to show how it still carried tensions through the keeping of vague, or difficult to put into practice (Gil, 2017), meanings. In other words, while simplification processes were operating, e.g. in the definition of clear citizenship regimes, there was ambiguity, too, helping re-signification and complexification happen in everyday implementation (Andreouli & Dashtipour, 2014; Andreouli & Howarth, 2013; Castro & Batel, 2008; Gray & Griffin, 2014).

In the temporal analysis of the law, it was possible to show the transformations of values fuelled by everyday meaning-making: residency for investment purposes, for instance, was implemented at the time when the country was going through a bailout programme (Amante & Rodrigues, 2021), where economic incentives were collectively seen to be necessary. In fact, the press presented the law to the public as being an economic mechanism, obscuring any citizenship debate around it (Santos et al., 2020). However, early in 2023 it was discussed the definite end of the residency-by-investment as a measure to tackle the cost of living and housing crisis in Portugal. An awareness of the economic repercussions of such programme was made evident in recent years, particularly on housing speculation. Transformations in the law are thus sought to clarify meanings and to reflect the societal debate on these issues. This highlights the interdependent and dynamic relationship between the reified and the consensual spheres. But as this worked showed, this is particularly noticeable in the practices of expert mediating systems.

Overall, this work suggests that the implementation of laws and laws-institutions-public interaction may not be well coordinated, as others remarked (Gil, 2017; Ribeiro et al., 2014) and more attention is needed to the institutional processes of re-signification as it is an understudied aspect in the social and political psychology of citizenship. The

interrelation of the reified and the consensual in institutional contexts unveils how complex the assumption of "primacy of the law" is (Tuffin & Frewin, 2008). When the guidelines are poor, experts are given space for resorting to meanings from the consensual sphere not necessarily included in the laws to re-signify these (Castro & Batel, 2008; Foster, 2003; Morant, 2006). It is in this fuzziness of boundaries between both spheres that stabilization of power-forces may happen, and transformation may happen too. These outcomes, however, may be a direct product of either a dialogical or monological way of interaction with the institutional-other (Castro & Santos, 2020), shaping citizen's understandings of citizenship in very different ways. Further studies should explore how foreign residents themselves describe their interaction with these institutions and how these legal proposals and their implantation are made sense of.

The texts of laws, through the construction of different regimes, make distinctions between groups, some considered more, and some less, worthy to enter the country (Andreouli & Dashtipour, 2014). They keep plurality in the definitions of citizenship through the co-existence of different values and rights: this is particularly visible in the Portuguese case when the rights bestowed by residency permits obtained through work and investment are compared. The comparison shows how the legal innovation of residency by investment legitimizes a strong discrepancy in possibilities of 'being' and moving, as wealthier residents are legally granted more mobility rights and access to privileged institutional routes than the ones who pursue work (Gaspar & Ampudia de Haro, 2020). The co-existence of these two citizenship regimes legitimizes different forms of engagement and affiliation with the polity, mediated by representations that, ultimately, re-enforce group differences and can be expected to affect intergroup relations in practice (Amante & Rodrigues, 2021).

Furthermore, the law, by emphasizing the individual ability to engage with the economic system and, above all, for bringing consumption and property as valid goals for receiving residency rights (Comaroff & Comaroff, 2001), carries "psychologized tropes of neoliberalism" (Anderson & Gibson, 2020, p. 10). The valued citizen is the *homo oeconomicus* (Brown, 2015) and individual economic value comes first and foremost over any other. More attention is thus needed to the role of laws in pushing this view of the self and its consequences to society (Anderson & Gibson, 2020; Langhout & Fernández, 2018; Politi et al., 2023; Santos et al., 2023). This is a consideration that not only needs to be integrated in the social psychology of citizenship but also in the social psychology of migration (Verkuyten, 2018), which has charged integration with culture-specific concerns only (but see Guerra et al., 2016).

Finally, this paper proposes an integrated perspective on citizenship, highlighting the interdependent and dynamic relation between the reified and the consensual universes, with its processes of re-signification and meaning-making that make citizenship the contested and plural reality it is. In this regard, the paper contributes to clarifying how, alongside the rule of law and the *reification* side of citizenship (Barnes et al., 2004; Figgou, 2016; Tuffin & Frewin, 2008), there remains space for different actors – with diverse degrees of proximity to the institutional universe – to make sense of citizenship (Andreouli, 2019). It also highlights how a better understanding of this dynamic relationship presupposes paying attention to the power of those actors (laws and people interpreting them) who get to define the reified version of the "good foreign citizen" and *how* these definitions help shape citizenship as meaning and action.

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