

**Between Institutional and Non-Institutional Agency
Among Asylum Seekers in Spain**

**Entre la agencia institucional y no institucional
de los solicitantes de asilo en España**

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ABSTRACT

The aim of this article is to analyze the forms of agency and strategies of those entering the asylum system, focusing on the spaces of support and alliances within an asylum system that is unequal and often exclusionary in terms of institutional recognition of the right to asylum. This paper draws on a decade of field research (2013–2022) with asylum seekers in Spain. The methodology is based on in-depth interviews with asylum seekers, refugees, and social actors from civil organizations. The findings indicate that, despite this situation, people have found another type of recognition through actions and practices of inclusion, resistance, and belonging that have allowed them to continue with their life projects, as well as greater autonomy and the creation of safer spaces. This study draws on a categorization of forms of agency developed on the basis of the specific conditions surrounding each subject.

Keywords: 1. refugee, 2. Spain, 3. human rights, 4. migration, 5. social protection.

RESUMEN

El objetivo de este artículo es analizar las formas de agencia y las estrategias de quienes ingresan al sistema de asilo, centrándose en los espacios de apoyo y las alianzas dentro de un sistema de asilo desigual y a menudo excluyente en términos de reconocimiento institucional del derecho de asilo. Este trabajo se basa en una década de investigación de campo (2013-2022) con solicitantes de asilo en España. La metodología se sustenta en entrevistas a profundidad con solicitantes de asilo, personas refugiadas, y actores sociales de organizaciones civiles. Los hallazgos indican que, pese a esta situación, las personas han encontrado otro tipo de reconocimiento a través de acciones y prácticas de inclusión, resistencia, y pertenencia que les han permitido continuar con sus proyectos de vida, así como una mayor autonomía y la creación de espacios más seguros. Este estudio se apoya en una categorización de las formas de agencia elaborada a partir de las condiciones específicas que rodean a cada sujeto.

Palabras clave: 1. refugiado, 2. España, 3. derechos humanos, 4. migración, 5. protección social.

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INTRODUCTION³

The fundamental aim of this study is to investigate the different types of agency exercised by asylum seekers in Spain. These strategies are developed in parallel to, or in opposition to, incorporation into the asylum procedure as a non-institutional area of recognition in their life journey. The aim is to explore the following research questions: How have the forms of agency of asylum seekers and refugees been shaped in parallel to, or in tension with, institutional incorporation into the asylum system? With whom do they build such alliances? In what situations? And to what end? This study focuses on the concept of agency developed beyond the search for legal status, understanding it as an act of social, civic, and political participation both within the asylum system and along its contours. The starting point is an analysis that has already been under development in other contexts for some time (Wren, 2007; Behrman, 2014), and that has been further developed in recent years at the European level (Innes, 2016; Myllylä et al., 2025), but that is regarded as lacking in the Spanish context. Using this framework, specific issues are addressed by considering the alliances, situations, and concrete objectives pursued in each case, along with their meanings, with the aim of delving into the strategies created in Spain and how these can contribute to an understanding of the parallels and particularities occurring in different parts of Europe.

The article seeks to contribute to the academic literature on asylum and refuge by offering a novel perspective based on extensive research, drawing on interviews conducted over a ten-year period with both asylum seekers and civil society organizations assisting displaced populations in Spain. Although asylum has been a prominent topic in the social sciences for many years in several countries of the Global North, debates on asylum in Spain have been notably limited in relation to the agency of protection- seekers outside institutional frameworks linked to the asylum procedure.

Two categories were established: agency related to institutional recognition, and agency linked to *non-institutional* support networks. These categories emerged from the fieldwork, revealing the particularities of each and the objectives pursued by the subjects at each moment. The analysis begins with the role of agency in general, in order to delve deeper into how connections are formed with the different spaces in which the forcibly displaced person interacts. This analytical approach therefore forms part of both the micro level—forms of agency—and the macro-structural level— asylum policies—while maintaining a focus on the analysis of the positioning of asylum seekers as they settle in the receiving society (Lacomba Vázquez & Moraes Mena, 2020). The framework concentrates exclusively on the phases experienced during the asylum-seeking process.

Focusing on both the agency of asylum seekers and the alliances established with those supporting them, this study delves deeper into the obstacles faced by asylum seekers, such as uncertainty about the resolution of their case, the wait between the different stages of the

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procedure, difficulties in the fulfilment of certain rights, or revictimization in the process. Given these barriers, the procedure is not understood as a system of protection, guarantee, and security. However, this does not exclude it from being considered a framework for accessing protection and recognition that would otherwise not be achieved. Therefore, the analysis does not neglect the institutional framework as a space for building bridges between the immediate reality of the asylum seeker and the receiving society. Furthermore, the asylum application itself has often served as a tool of resistance, enabling some irregular migrants to access basic rights in the absence of immigration and regularization pathways.

The present study highlights the importance of addressing what is termed *surrounding recognition*, beyond the institutional recognition promoted by the asylum procedure. The research is framed within the processes of subjectivation, exploring the strategies developed by asylum seekers through different alliances to cope with the shortcomings of the procedure. It also analyses the strategies of *activation* that the procedure triggers for the purpose of increasing the asylum seeker's autonomy (Moreno-Amador, 2023). In conclusion, it explores the centrality of asylum seekers' strategies as a way of building *lifeworlds* outside the framework dictated by the institutional sphere. In this way, this work contributes to the international academic literature on these subjects, engaging with debates taking place in Spain.

CONTEXTUALIZATION AND THEORETICAL FRAMEWORK

The context of Spain offers a particular framework for the analysis proposed in this study owing to its various converging characteristics. It encompasses the southern border of the EU, territory on the African continent, and a laboratory for control and outsourcing policies (Barbero & López-Sala, 2021). As a southern European country with a land border, Spain has developed practices such as pushbacks, which were subsequently used during the refugee crisis of 2015–2016 (Koros, 2021).

It is worth noting that the period analyzed spans from 2013 to 2022. Spain went from being one of the European countries receiving the fewest asylum applications to being among the top recipients. The number began to increase from 2015 onwards, during the so-called refugee crisis. Between 2019 and 2022, Spain was among the top three European countries in terms of asylum seekers, alongside Germany and France, a trend that has continued through 2024 (Eurostat, n.d.). Furthermore, as one of the European countries that received the largest number of migrants in the first decade of the 20th century, Spain implemented a series of control measures that have served as an example for the implementation of policies across Europe (Brandariz-García & Fernández-Bessa, 2017; López-Sala & Moreno-Amador, 2020; López-Sala & Godenau, 2024).

According to the Legislation on Asylum, the maximum period for processing an application is six months. However, this time limit is frequently exceeded, sometimes with delays of more than two years (Ruiz-Estramil, 2023). A distinction must also be made between the asylum procedure (administrative- legal, whereby the asylum seeker's case is assessed and, ultimately, international protection is granted) and the reception procedure (social assistance, whereby the minimum living

conditions necessary to live during the asylum procedure are provided). Only those identified as being admitted to the asylum procedure have access to the reception system. However, less than 20% of applicants enter the state reception system, which limits coverage in terms of obtaining certain social services. In addition, a large proportion of asylum seekers have continued to wait for the resolution of their application even after completion of the social reception program (Iglesias et al., 2024; Poy Renau, 2022), which leaves people in a state of great insecurity and vulnerability.

Regarding the influences of the theoretical framework, two areas are considered as the basis for the approach: agency in relation to institutional recognition, and agency linked to recognition from the social surroundings. Agency is understood as the power to act in certain contexts and situations, branching out into two areas in which recognition will facilitate a lifeworld. The discussion begins with the general conceptualization of agency developed by Emirbayer and Mische (1998, p. 963), in which it is approached as a source capable of connecting and focusing actions in time, “imagining alternative possibilities” in which people create social life “within the contingencies of the moment” (p. 963). Agency is therefore fundamental for subjects facing a context that demands strong self-affirmation, and for subjects appearing before accreditation and recognition authorities.

Migrants, especially when claiming their rights, develop an agency that turns them into key political actors because of their struggles (Molinero-Gerbeau & Avallone, 2020), resistance (Barbero, 2012; Sigona, 2003; Sager, 2011; López-Sala, 2019), and survival strategies (Lacomba Vázquez & Moraes Mena, 2020) in a space that is often hostile to their presence (Heidbrink, 2013). Migrants find themselves in a contingency, sometimes even during their migratory journey, in which they have to negotiate (Mainwaring, 2016) and constantly calibrate (Triandafyllidou, 2019) their actions within the structures in which they are inserted (Bakewell, 2010), in order to cope with the constraints in which the receiving country places them (Li & Whitworth, 2016).

In the reports analyzed, agency linked to institutional recognition addresses the asylum procedure with the aim of obtaining a favorable resolution. It is agency linked to being present in the procedure as subjects *deserving* of international protection (Fassin, 2013). With this aim, their appearance before decision-making authorities relies on the experience that led the subject to flee their homeland and to claim their rights in the receiving country, within the framework of asylum and its specific requirements for those who wish to apply for protection (García Mahamut & Galparsoro, 2010), as well as the requirements of reception.

It is found that asylum seekers also seek recognition that transcends the institutional sphere, seeking social recognition from their surroundings, which is the basis of their desire to build a parallel lifeworld, or one that goes beyond the margins of institutional recognition. It is an agency that builds social relations horizontally with collectives and associations, but also creates spaces of resistance (Schweitzer, 2017; Strange et al., 2017) from which to guarantee rights not covered by the institutional sphere (Sardelic, 2016). This recognition from the surroundings is built alongside support networks mobilized on the margins of, or parallel to, formal reception, in dialogue with movements articulated in defense of the rights of migrants and refugees (Reinhard,

2016). Recognition from the surroundings allows for the construction of living spaces in which people relate beyond the bounds of decision-making institutions, forging networks that can facilitate institutional recognition.

METHODOLOGY

The methodology is based on 75 in-depth semi-structured interviews with asylum seekers and refugees, and 69 interviews with social actors from civil organizations involved in the field of asylum and migration, such as human rights groups, support networks for refugees and migrants and pro-migrant groups, non-governmental organizations (NGOs), and lawyers, conducted throughout a decade of field research (2013–2022). Access to participants was achieved through direct contact with social organizations working with asylum seekers and refugees, while non-probabilistic snowball sampling was used with asylum seekers and refugees. All interviews were conducted with informed consent. The study employed a qualitative approach, using in-depth interviews for data collection. The interviews were conducted in the autonomous communities of Andalusia, Catalonia, Madrid, and the Basque Country, and in the cities of Ceuta and Melilla, as these were among the main regions in terms of the number of asylum applications. Most of the interviews were conducted in person, with only a few conducted via videoconference. The interviews were primarily in Spanish, although some were conducted in English.

For this study, the empirical material was systematically organized based on the research questions and their objectives, selecting 30 interviews that focused on the informants' experiences and their relationship with the asylum system. The aim has been to analyze how the forms of agency of asylum seekers and refugees have been shaped both in parallel with, and in tension against, their incorporation into the asylum system, and to explore the alliances they have formed, the contexts in which these alliances have occurred, and the purposes they have served.

For the profiles of asylum seekers, the sample has been evenly divided between men (all cisgender) and women, including one transgender woman, across three age ranges (18–40, 41–63, over 64). They have come from 20 countries across four continents: Africa (Cameroon, Ethiopia, Guinea, Mali, Mauritania, Rwanda, the Democratic Republic of the Congo, Western Sahara, Senegal, and Sudan); Asia (Afghanistan, Palestine, Syria, Yemen); Europe (Ukraine); and the Americas (Colombia, El Salvador, Honduras, Peru, Venezuela). This reflects the wide diversity of countries of origin in the Spanish context, with around 90 nationalities represented, although Latin American countries have had a particularly significant weight in the number of asylum claims submitted, especially from 2016 onwards. The majority of interviewees applied for asylum. However, some, despite meeting the definition of refugee, chose not to enter the asylum system. The research was based on two analytical dimensions: one focused on the humanitarian management of asylum, and the other on the personal experience of moving through the system.

A common denominator among the people interviewed who were seeking international protection in Spain was the need to guarantee their stay, both in administrative terms (documentation, asylum application) and in terms of survival (housing, work, basic coverage). These two areas are related, but at the same time they are articulated in parallel. People developed tactics and strategies geared towards these two spheres, which correspond to agency related to institutional recognition and agency related to non-institutional networks that accompany the search for international protection and the means to achieve it.

The analysis focused on the strategies developed by asylum seekers and the alliances established, answering three questions: 1) with whom do they build such alliances? 2) in what situations? and 3) to what end? These three questions are essential to understanding the framework within which asylum seekers build alliances and create a space for action in which administrative interests are interconnected with survival, and legal issues with subjective ones.

In response to the first question five key social actors were identified: *a)* professional support, mainly provided by employees of social organizations; *b)* support from religious organizations and associations; *c)* networks of friends and family; *d)* networks of fellow compatriots and acquaintances; and *e)* associations and refugee, migrant, and pro-migrant groups with a markedly activist character, made up of both non-nationals and nationals (citizen platforms, social movements, mutual support networks, among others).

Regarding the questions 2 and 3 it is noted that these actions have been framed within four fundamental areas, with the ultimate purpose of claiming and achieving the fulfilment of their rights. These areas cover several fundamental rights: *a)* the right to housing, where asylum seekers face serious obstacles in accessing adequate accommodation, especially during the early stages of settling in the receiving country; *b)* the right to education, training, and work (whether in regulated or non-regulated employment); *c)* the right to legal status, which includes access to information, legal advice, documentation through asylum or immigration systems, and institutional recognition of their status; and *d)* the right to full participation in political, civic, and social life through associations, identity, and a sense of belonging to the community.

In the next two sections, it is explored how people develop their actions aimed at institutional recognition and recognition in non-institutional spaces, showing how individuals shape their world in the host country based on administrative possibilities and network-building. Asylum seekers thus present themselves as individuals with a keen ability to read the context in which they find themselves, with a great capacity to take stock of the tools at their disposal, and to mobilize networks that enable them to build a life project.

Strategies within the Institutional Recognition of Asylum

Within the area of institutional recognition, it is found that there are strategies linked to obtaining a status that guarantees access to minimum rights, differentiating between two scenarios depending on the specific features of the agency. On the one hand, there is strict adherence to the procedure in search of guarantees, in which the reproduction of the procedure is promoted as a tool for legitimate recognition. On the other hand, an action linked to negotiation and openness can be identified, wherein agency enables institutional transformation. Both scenarios complement each other, giving rise to strategies linked to institutional recognition, in which people progressively shape their presence within the asylum procedure. The analysis distances itself from the meritocratic logic that underlies asylum systems, which tends to draw distinctions between those who need protection (*deserving*) and those who do not (*undeserving*). Instead, focus is placed on how asylum seekers manage to adapt, resist, and contest exclusionary practices within the asylum procedure while remaining subject to the legal framework and its inherent limitations. It is recognized that not all asylum seekers are able to exercise the same degree of agency, due to factors such as limited access to adequate legal representation, or the dismissal of their cases by lawyers, NGOs, or other non-state actors who may consider them insufficiently *well-founded* for the procedure.

In addition, other factors come into play, such as whether or not one knows the language, or whether one has family who arrived in the country previously (in some cases even having family who have become naturalized citizens)—aspects that make a difference between different situations. On the other hand, gender also influences the interpersonal networks that people create. As has been seen in the interviews, women were more likely to join associations and networks that allowed them to form friendships, something that makes a big difference, especially in the case of having an asylum application denied. All these aspects show that asylum seekers' capacity for action arises from each person's particular circumstances, as opposed to the asylum procedure, which seeks to address the common aspect of asylum seekers' vulnerability.

With the aim of obtaining institutional recognition of international protection, many people who have fled their countries of origin due to risk to their lives resort to the asylum procedure to present their case. Individuals in this situation take direct action in relation to those who could provide them with a guarantee of residence. The technical staff from various NGOs interviewed pointed out the importance of people being aware of their rights and the guarantees to which they have access during the asylum procedure, in order to frame their capacity to act and ensure their rights are not violated in the process:

We need to explain to them what asylum is; we are going to go through it step by step, we are going to make sure our application is sound, we are going to keep calm, integrating ourselves into life, taking advantage of the opportunities to learn languages, get training, [...] The most urgent thing is reception. (E9, personal communication, October 11, 2016)

In view of the irregularity caused by the asylum system owing to the high percentage of application rejections, professionals working in social organizations point out the need to work in other areas.

I trust that the work done at some point will be recovered because, although it's more complicated sometimes, there are ways to achieve regularization [...] It's difficult, but we do not just resign ourselves, if there is a possibility of regularizing at some point [by other means]. (E8, personal communication, January 21, 2016)

Likewise, one activist and nun, who collaborated in one of the historical social organizations, pointed out the importance of language courses within the training offered. Not only so that people can communicate but also as a tool in defense of their case being heard: "You cannot protest or defend yourself unless you know Spanish" (E51, personal communication, June 26, 2017).

This starting point establishes a framework for action for those seeking international protection, which interferes with the possibilities and contexts of action of each subject and with decision-making. Some people left their own countries having already made the decision to apply for asylum, whereas others were unaware of this right. Some were forced to seek asylum because of a lack of options, such as two interviewees who were trapped in Spain owing to threats in their countries or border closures.

Within the possibilities available to them, the individuals seeking international protection made the decisions that were closest to their needs:

He [the lawyer] advised me, I told him all about the procedures, everything that had happened to me, he gave me several options [...] 'So, you're going to go to the asylum and refuge office, you have to write up your account first, your account of the political persecution that you endured in Colombia, once you write that, you go to the office and present your account, and we'll attach your card showing that you are a militant of [organization], that you're a leader, we will attach the accreditation showing that you have an injunction, we'll attach your account.' (E3, personal communication, November 9, 2016)

The options are also framed within the possibilities available to each subject, depending on what they have previously prepared in order to request protection, the advice they receive, and the support network they have, giving rise to different realities, as pointed out by other interviewees who had fled their countries of origin owing to the risk to their lives there:

In my case, like all Saharawis, we usually go for an Algerian passport, a Mauritanian passport, or even an invader's passport, because it is the only way to travel, especially to Europe [...] Arriving here, I applied as a stateless person, presenting my documentation as a Saharawi. (E5, personal communication, November 9, 2016)

We came here to Barcelona in 2004 [...] I finished my job, I had to give a presentation in France, in Lyon, we went, [...] and, we applied for asylum, in Lyon, but when we apply for asylum, we are told that European legislation says that the first safe country you set foot in is the country where you must apply for asylum, so they tell us, 'Go to Spain.' (E4, personal communication, November 20, 2016)

Those seeking protection face decisions intersected by the framework put in place by the asylum procedure, owing to the way in which they have planned their movement and the opportunities they have had to do so. This baggage interferes with how people interact with the procedure, their tools, and the alternatives available to them. Once the decision to apply for asylum is made, the subject faces the conditions presented to them externally, which frequently do not align with their previous expectations or with what they have been led to believe. This situation was described by one of the interviewees who, in the process of applying for asylum, faced a situation that they considered violent in relation to their testimony, both because of the experience they had lived through in their country of origin and because of what applying for asylum represented:

One of the psychologists or social workers took up my account again, made me state the facts, but they're very cold there, it's very fast, it's all very perfunctory, they just do the bare minimum, they write as little as they can, so that was something that made me cross. I said, I have come here to ask for international protection; it's only right and fair that you should listen to my testimony, because I have come here with a real account of a violation of rights that was happening in Colombia, and you are treating it like it's superficial and it's not. (E3, personal communication, November 9, 2016)

Faced with different situations of institutional severity, people develop their own strategies to overcome the problems they encounter, sometimes responding to the demands of the procedure in a disciplined manner, and at the same time developing forms of agency to achieve recognition from their surroundings in order to construct friendlier living spaces. On other occasions, people seek the logic of negotiation and openness, affecting the possibility of obtaining recognized protection.

This occurs in the face of institutional recognition that is presented in administrative terms and often results in the rejection of the application for international protection. Many of those interviewed pointed to the need to resort to negotiation strategies that would allow them to remain in the asylum procedure in order to obtain legitimacy and recognition. One of these strategies is the presentation of appeals, which increases their chances of receiving protection. One example is the case of a refugee who was denied asylum and sought legal support from organizations specializing in asylum for members of the LGBTQI+ community. Eventually, she found a lawyer who recommended that she file an appeal for her case to be reconsidered:

I had had such a bad experience that I said... I am not going through that interview again. It broke me' [...]. I was incapable of doing this. And it took me a year until one day he [the lawyer] called me himself, he said, 'You have to appeal' [...] He went with me, and there was a moment when he said to the police: 'Are we done? She is not going to continue talking.

'What more do you want? Are you listening?' He really defended me from police. Because the police officer wanted to continue prodding and poking, you know? And I said, 'But... what more do you want? What more do you want to do? Just tell me whether you are going to accept the papers and give me documentation or not, but do not keep on... This is torture!' The second interview was terrible. (E20, personal communication, March 11, 2022)

Reliving the process becomes a source of violence in addition to what the person has already been through, and many people do not want to endure the process again, which is one of the reasons why they do not always lodge an appeal. However, appealing to the courts to have cases reconsidered has been a fundamental legal strategy for people to obtain their right to asylum. This was the case for a young activist who was refused asylum. Faced with this situation, the appeal was crucial to halting his deportation. After submitting his application for asylum and waiting for the decision on his appeal, the process took more than five years:

We filed an appeal at the National High Court, and one year later, won. The ruling was favorable, going against the decision of the Interior Ministry and in favor of my right to international protection. In spite of the ruling, they did not want to give me papers. Therefore, we had to put pressure on them and contact the National High Court, saying that they did not want to give me the documents, they did not want to give me my right, and here is the ruling! Thanks to the lawyers at [organization], they applied pressure so that they would give me papers. (E28, personal communication, April 11, 2022)

Some people, especially those who are clear about seeking asylum in Spain, feel that even though they have brought all the documentation accrediting the forced character of their displacement, this documentation is not a guarantee that they are going to be recognized, which creates unease with respect to the procedure:

We came with part of our documentation that I managed an NGO, that I had given interviews there and such things; that, above all, was the type of documentation we brought, which moreover proved that our economic situation, for example, was very good, stable..., and, well, after an extremely long process, we were denied the Refugee Statute. (E4, personal communication, November 20, 2016)

Some interviewees pointed out that, despite possessing documentation demonstrating the risk to their safety, the authorities still attempted to deport them or deny their claims. These cases show that presenting proof does not guarantee security, which is why it is essential to have recourse to strategies of negotiation and the opening up of possibilities when the procedure does not provide a favorable resolution, in order to overcome institutional barriers.

Those seeking protection exercise their capacity for action within the procedure in order to obtain a status that provides them with rights and guarantees beyond the recognition of their particular situation. Their agency is influenced by the restrictions of the process and their expectations, but also by the opportunities for negotiation, flexibility, and the strategies they develop in search of recognition. In this context, the subject must develop every strategy available in order to obtain an answer in the form of a status that guarantees their future in the receiving state. Moreover, the subject also sets in motion other forms of agency linked to the construction of living spaces beyond procedural constraints; these have been termed agency surrounding recognition.

*Strategies Linked to Recognition
from Non-Institutional Spaces*

Together with strategies that are directly related to the search for institutional recognition and the rights assigned to this category, a large part of agency is linked to the spheres of everyday life in which a new subjectivity is outlined. Within this framework of recognition from the surroundings, two spheres once again emerge in the analysis: on the one hand, people develop resistance to institutional mandates and structurally imposed conditions of inequality; on the other hand, they construct a social fabric and living space. These strategies illustrate how forms of living are created beyond interactions with the asylum process.

As the analysis of the fieldwork progressed, it became clearer how applicants for international protection carried out their actions outside the framework of institutional recognition, with two objectives that could be differentiated but were complementary. On the one hand, they developed strategies of resistance, resilience, and the search for subjective recognition that goes beyond the administrative and documentary sphere; on the other, they developed strategies that build a new lifeworld projected towards a future in the host country.

Strategies linked to recognition from the surroundings are connected to the challenges that must be faced by those seeking protection beyond institutional recognition. These forms of agency are linked to confronting the frameworks of social inequality in which they are inserted, owing to racism, prejudice, and a lack of understanding of their specific reality and life experiences. These issues are not unfamiliar to organizations or the administration, which periodically publish reports on racism in Spain (Federación SOS Racismo, 2025; Suso Araico et al., 2025), as well as on the specific situation faced by migrants, asylum seekers, and refugees in other areas such as education, health, and social exclusion (Foro para la Integración Social de los Inmigrantes, 2025).

At the personal level, these strategies aim to seek alternatives for building a space of empowerment that counteracts social constraints. One of the interviewees explained how she constructed her living options in the face of the external conditions of racism she experienced: “For a woman who has a headscarf, it is very difficult for you to be accepted for a job [...] I make use of the time to study languages and work as a volunteer” (E2, personal communication, October 3, 2016). Subjects must face situations that involve continuously demonstrating their capacities and disposition; thus, they experience how the evaluation found in the procedure also occurs at the social level:

The fact of having to continuously show that you do know, that you are prepared [...] the need to demonstrate this because the only course left to you is to show that you know, that you are good. It is like starting to walk, but at an adult age with a very long trajectory behind you, and showing the world that you knew how to walk before, that you did know how to work before, that you did know how to do things before. (E7, personal communication, January 11, 2017)

In this respect, the waiting that constitutes the disciplinary framework of the asylum procedure (Ruiz-Estramil, 2023) is redefined as a resource for gaining time in the receiving country and for

developing alternatives for remaining—something that staff at the organizations identify as a strategy that can be used by people who do not have the necessary documentation to obtain international protection:

Just to obtain the red card: ‘They’re going to turn you down, there’s no question about it, but at least we are going to gain some time until three years are completed and you can go back to work again. And so, you work, and where you work, they can give you a contract so that after three years you can request *el arraigo*.⁴ It was to gain time. (E7, personal communication, January 11, 2017)

Both the technical staff of the NGOs interviewed and the people who had left their countries of origin pointed out that those seeking protection pursue options that allow them to obtain greater stability. However, for some of them, the asylum procedure is not an option because they do not have the necessary documentation for their case to be successful, as noted above, or because the timeframes offered by the procedure do not seem adequate for their specific needs. In these cases, some opted for other means of regularization (seeking work and regularizing their situation through the immigration system) or even remained in an irregular situation, avoiding migration management policies and practices that could expose their irregular status:

They told me that the police can get you now and send you [back], I am taking the risk and that’s it, because I am trying it out and let us see if I am lucky... [...] so long as I do not go to places where the police might be, and so on, I am OK, I do not have any papers, but I do not go where there are a lot of police, places where there are drugs. (E18, personal communication, October 2, 2016)

Once again, the capacity for action that individuals possess becomes visible through an analysis of the conditions and options surrounding them, on the basis of which they construct their own path. They are capable of developing strategies to meet the external conditions imposed on them—obstacles in the face of which they construct an itinerary, at times full of uncertainties, and tied to the most immediate level of their everyday lives. Agency is essential in confronting the ruptures posed by the new environment, principally in confronting the expectation that accompanies them regarding what their life will be like in the new context, which often differs greatly from the preconceived idea they brought with them from their regions of origin:

Ever since I was a child, they told us that Europe was nice, that life is easy... When we arrive here, we see a situation that is the opposite of what we were told since childhood; and here, when one has just arrived, you have to remain stationary for three months, waiting for the reply; you cannot work, food must be given to you by [organization] [...] in order to survive; and then when you have the work permit, you cannot work because you do not know the language, and apart from that, you are going to hear rumors that people say that migrants and refugees have come here to take our jobs. (E2, personal communication, October 3, 2016)

⁴ *Arraigo* is a type of temporary residence authorization due to exceptional circumstances that a foreign person can obtain in Spain. At the time of the interview, regulated in Chapter I of Title V of the Reglamento de Extranjería.

The agency of subjects enables them to construct a life in an environment full of obstacles to their survival beyond institutional recognition. The same interviewee said he had spent many nights sleeping in the street because there were no reception places, and that he could not spend more than three nights in the shelters; he added that, on his arrival, there were people who did not want to help him. In his case, he sought the support of his compatriots. Racism, together with the lack of guarantees, leaves the entire responsibility for responding to the deficiencies of protection and shelter mechanisms to the agency of each individual—the ability to mobilize strategies that allow him to react to each obstacle, individually or collectively. In this situation, the networks of each individual are essential for confronting discrimination. Agency arises as a need—“you have no option but to move forward,” as one of the interviewees stressed—as the only way of having a presence in the receiving society.

It should not be overlooked that, as highlighted by the interviewees, both technical staff from NGOs and asylum seekers, upon entering the asylum system in Spain, asylum seekers face a situation of precariousness and vulnerability, frequently experiencing a decline in their social status. The delays in the homologation of educational qualifications, together with the openings in the employment market requiring labor, such as construction, agriculture, hospitality, and domestic service, lead them to fill these jobs, which for many represents a lack of recognition of their specific abilities, a loss of purchasing power, and the need to undergo another training process that they often feel is imposed on them as a condition of their integration process. Moreover, the provisional documentation they hold as an asylum seeker, popularly known as the “red card” (owing to its color), and the lack of a stable legal status hinder the full exercise of their rights. This is the case for a journalist and human rights defender who emphatically expressed this reality:

When I came to do something, I was the one who came to give a lecture. I was the one who came on the speaking tour... and they were very proud to take me from one place to another. *Now, I was a person without a place to live, who had no money.* [...] I went to live in a car park, and I lived in that car park until [organization] took me in... Because I did not even know that I could request shelter in [organization]. That was when someone told me, and I went to [organization] and asked and they took me in. (E24, personal communication, April 3, 2022, original emphasis)

Individuals who have fled their countries of origin owing to a threat to their lives tell us that they arrive in a new context of critical situations, insecurity, and vulnerability that they must face beyond the administrative procedures aimed at regularizing their situation and obtaining international protection. The risks and the intensity of the danger change, but they encounter a new form of precariousness, often unimaginable before their arrival at their destination, which they must face with new strategies that demonstrate their agency as key to survival. Resilience and adaptability are crucial. Although some of the interviewees already had family networks or networks of friends and acquaintances in Spain, there were other people who did not know anybody. The majority of the interviewees agreed that, among the main obstacles, access to temporary accommodation stands out, at least until they find more stable accommodation. These

forms of agency on a more personal level have been complemented by collective spaces directed towards constructing a social fabric that functions as a support for living in the new context.

At this point, the applicants for protection interviewed expressed a more personal and subjective concern, in which agency not only appeared in the form of strategies to overcome various obstacles, but also presented itself with the aim of building spaces of safety parallel to the administrative process in which they were immersed. They were aware that the spaces of uncertainty related to the asylum procedure entail spaces of insecurity linked to the limited social connections available in the new space in which they live. People often face having to live in the immediate present, and thus recognize the need to develop ties that establish them in their new everyday existence:

You do not think about the mid-term, instead you do things in temporal contracts, six months, three months; but you do not think about rebuilding your life project, what is it that I want for my future, and you do not sow, you do not put down roots, and so on, and I think that's the most complicated thing. (E5, personal communication, November 9, 2016)

Social fabric and networks of support are essential for people seeking protection. In some cases, the importance of the social fabric was decisive when facing the organizational fabric and the administrative sphere:

Because it is not the social fabric [that's to blame], it is thanks to the social fabric that I am here, the support network, and the number of women and men who have lent me a hand. I am here thanks to the social fabric, and I am not here thanks to the organizational fabric. (E20, personal communication, March 11, 2022)

The sensation of instability increases when people are unable to find mechanisms to establish themselves outside the procedural channels, when the strategies for constructing a new subjectivity are traversed by new parameters of instability. People seek to develop activities through which they will find new spaces where they can take the initiative.

I have been looking for where I can continue training so as to *become integrated* [...] I went to learn how to protect a family, how to protect your house, cleaning, a course in nursing, auxiliary nursing, IMSERSO, health, I have done a whole load of courses for workplace insertion [...] 'I do not go and sit in the park doing nothing; yes, they have helped me, I am going sign up as volunteer, so I went to [organization] to sign up as a volunteer. (E1, personal communication, July 3, 2015, additional emphasis)

Networks constructed in the society in which they arrive are essential for securing support that goes beyond the institutional framework of recognition, providing the possibility of facilitating greater stability in the future.

Our priority was to have social support, we worked a lot with networks, so by means of those networks, by being in different associations, different groups, that's how we managed to move forward; if it hadn't been like that, if we had reached the point of saying 'hey, I'm going there to sign the papers with [organization] and that's as far as I go,' we wouldn't have

moved forward; it's very hard, but you have no choice but to move, there's no other option. (E4, personal communication, November 20, 2016)

In this time of "waiting," there are many activities that asylum seekers carry out. This is not a time of passivity or remaining idle; instead, it is a time "full of activity" (Ruiz-Estramil, 2023, p. 10). While waiting for a resolution on their asylum request, migrants develop diverse strategies such as learning Spanish, attending courses, and preparing for asylum interviews, all of which are activities aimed at obtaining recognition.

For those who have arrived, constructing networks and participating in collectives and platforms are essential to creating an associative and communitarian fabric that provides a secure space and a sense of belonging. Among the people interviewed, emphasis was placed on the associations that support migrants and refugees, as well as on the connection with communities from their countries established in Spain, and activism in political, social, and cultural causes:

We continue participating... I am on the committee as the coordinator of the assembly of [organization], and this has been like a family to me; I celebrate my birthday with them; they're the people I meet up with, the people who help me [...] This [organization], in which I am an activist, and that was my salvation, doing things all the time with different collectives... We form part of [platform], we are involved in the coordination of the campaign for the Popular Legislative Initiative, of Regularization Now, and it's been my participation in collectives and being active that have saved me from being sad. (E24, personal communication, April 3, 2022)

Creating links and building a community and a sense of belonging are essential, considered as a secure space where the political and the personal are interconnected. This feeling was also expressed by another person who had been in Spain for over 12 years and who participated politically and culturally through a dance group:

I got to know them [her friends] at demonstrations, at events for Palestine, at dances... Clearly, I started to get together with people... in one way or another, they were interested in learning about the Palestinian cause. [...] I got to know the people. And from then up to now, [...] *I can say that I have a family*. (E17, personal communication, April 10, 2022, original emphasis)

In short, the forms of agency examined, both in the institutional framework and in recognition from the surroundings, show the great capacity people have to mediate in the structural and conjunctural contexts into which they must insert themselves. Concerning agency in the field of institutional recognition, it is found that the capacity for action is decisive for obtaining such recognition; it can be boosted by professional accompaniment, ensuring that such forms of agency are channeled more effectively. Juridical support and social work are essential, together with the contribution of the network of friends, family members, and compatriots who share information on the asylum procedure.

Diverse dynamics are additionally identified, which are occasionally counterposed. On the one hand, certain actions linked to the institutional sphere have contributed to maintaining and

providing continuity to the existing conditions of the asylum system. Thus, in this sense, agency can be understood from “within the discourses and structures of subordination that create the conditions of its enactment” (Mahmood, 2019, p. 13). This gives rise to an artificial image that projects the asylum system onto the refugee, casting her as a victim instead of a subject with rights. Nonetheless, people also find spaces of democratization and dignification for claiming their rights within the system, as well as the capacity for mediating within the structure, *opening up new paths*, for example by appealing for their rights through the law courts.

The scope of these forms of agency related to recognition from the surroundings reveals how people have created a social environment that enables them to reside and live in the receiving country through both individual and collective action. Despite their position of vulnerability and the racism they face, they have managed to obtain basic rights such as accommodation and work in order to remain self-sufficient. Those who choose not to enter the asylum system have achieved greater autonomy, as they have not been *evaluated* by it. However, there are also limitations and persistent precariousness, especially in material terms and with regard to the question of rights, together with the fear of deportation owing to a lack of recognition and the possibility of falling into an irregular status.

Collective actions have fostered a sense of belonging and the construction of communities, creating friendlier and more secure spaces through the formation of associations, networks of support, and care at the political, civic, social, and cultural levels, as well as other types of recognition and implications at the welfare level. These findings are in line with those of Varela (2015), who showed how the struggles of undocumented migrants transformed their role from victims to agents of social change, “transforming the social order in contemporary democracies” (p. 161). This can also be observed in asylum seekers who, as defenders of human rights, carry out activism both in their countries of origin and in Europe. In this way, these “migrant diplomacies” (Alejo, 2020, p. 107-108) introduce issues into the political agenda and can transform the political environment. Moreover, these people actively participate in the preservation of their culture and the reaffirmation of their collective identity, going beyond the simple conservation of cultural traditions (Rivera-Salgado & Escala Rabadán, 2020).

NAVIGATING BETWEEN INSTITUTIONAL AND NON-INSTITUTIONAL RECOGNITION

The agency of people seeking protection is a need marked by the specific conditions that each individual must confront, and by the framework of possibilities offered by their immediate context. On the one hand, the institutional sphere sets the conditions in which their international protection will be recognized, and, faced with that situation, people carry out a form of agency mediated by the goal of international recognition. However, individuals must build their lifeworld outside or parallel to the asylum procedure. This environment, in which people construct a secure space, includes actions such as guaranteeing the basic needs for sustaining life, participation, and making demands through the social fabric and the formation of associations, where they experience a sense of security not found in the institutional sphere. The agency of asylum seekers shows that they are

not merely reactive to the procedure, but rather individuals who weave their biographies together with the circumstances that arise in the host country, and who in that process contribute to transforming the host society.

The asylum system is an institution that potentially excludes realities that do not conform to the mandates of the procedure, that lack the capacity to pass the necessary tests to make their story credible, or that simply cannot submit an application. Asylum and reception are often based on discipline and abandonment (Gabrielli et al., 2022), creating a framework of possibilities from which the different forms of agency emerge, arising from the relationship with the institutional framework and the networks built.

As a result of the fieldwork, it was possible to demonstrate that the framework of possibilities created by the asylum process (whether the application is accepted or rejected, whether to be within the system or to remain outside it) influences the practices of political agency in the different types of strategies that people develop. Some people join organizations to carry out advocacy and denunciation work; others develop individual actions of resistance until they obtain legal residence; and others construct different itineraries through which to obtain legal residence. Therefore, the analysis of what has been called *agency surrounding recognition* is important in order to understand the diagnostic and strategic capacity that people develop based on the possibilities they identify in the legal, organizational, and interpersonal contexts that surround them.

At the same time, many people encounter obstacles to their agency that stem not only from the institutional sphere but also relate to language proficiency, family ties to previous migration, age, economic status, and racialization by the host society. These elements also contribute to shaping the framework of possibilities and strategies that people develop within and outside the institutional sphere.

The subjective construction of people seeking protection is woven between the institutional level and support networks, seeking options for legal permanence that remove them from the uncertainty of a possible return to the source of persecution or lack of protection. This article shows how forms of agency are articulated to create more habitable worlds for those facing the uncertainty of a possible negative outcome. Agency allows individuals to overcome uncertainty on the basis of their capacity to build networks and strategies. Therefore, it is important that, at the organizational and institutional levels, the capacity of people seeking protection be taken into consideration in order to build better resources.

CONCLUSIONS

Within the concept of agency, different types of resistance strategies are identified: those linked to political activism, everyday acts of defiance, and informal survival strategies. These forms of agency operate in different spaces, where some actions are geared towards social transformation, while others maintain the status quo. Therefore, it is observed that the capacity for action

developed by people who have fled their regions of origin is both adaptive and transformative, depending on the specific orientation of the strategies and practices they develop and the interlocutor they address. On the one hand, there are adaptive strategies linked to survival, where individuals analyze the available options and, on the basis of these, seek to achieve their goal of remaining in Spain and not being deported to the region they fled. On the other hand, it is observed how they also build relationships and are active political agents, which demonstrates the transformative potential of their capacity for action. The organizations in which they participate, along with volunteering, activism, and other initiatives, prove this. They are agents of transformation in the face of racism, pro-rights activists, and advocates for regularization that provides basic coverage for migrants.

The expectations and strategies of each individual come together in the mobilization of strategies aimed at building a habitable space. There is not only the challenge of developing strategies to manage the precariousness in which they find themselves, but also that of building a new world in which to live. Thus, refugees construct an environment with minimum conditions of protection that they cannot find in other spaces. They emerge as active subjects despite their institutional placement in the sphere of being recipients of policies and having to appear before the instances of the asylum procedure. Their agency situates them as active subjects who interpret their surrounding reality, on the basis of which they develop strategies to guarantee those needs that are not met by the institutional sphere. The non-institutional framework of recognition acts as a space in which people find ties that even ensure that they can remain in the receiving country in the face of a possible negative resolution of their asylum request. This shows that understanding the reality of asylum requires considering its margins, analyzing the relations that are shaped outside the institutional sphere, and approaching the social world built around asylum.

Examining asylum offers the opportunity to delve deeper into the relationship that different actors build around the search for guarantees for those forcibly displaced from their regions of origin. In this analysis, the complex reality of asylum and refuge was observed beyond the legal and institutional structure, delving into how asylum seekers experience this framework. The agency of asylum seekers—their ability to develop strategies, create links, and build a new lifeworld—shows that speaking about asylum and refuge goes beyond the administrative framework and the recognition of international protection, as it connects us with the framework of interrelations between individuals, public policies, and social agents.

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