

## Vulnerability as emancipation: Undocumented migrants as European minority

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This article engages with the contemporary legal and political discourses aiming to respond to and to conceptualise the increasing presence of undocumented migrants in the European Union. It is based on the belief that in this moment of multiple crises the manner how we understand, position and treat undocumented migrants will determine the fate of the common area of freedom, security and justice, and will be detrimental to the way and form of the EU's existence in the future. In particular, the article responds to the appeal of French philosopher Alain Badiou, that 'by addressing the questions of how we treat the people who are here, who want to be here, or who find themselves obliged to leave their homes, we can initiate a genuine political process'. It does so by turning to the international legal concept of minority and exploring its emancipatory potential as the tool to rethink the position of undocumented migrants in the EU. Such approach allows to go beyond the limits of belonging in migration law and show that undocumented migrants already belong. It requires a shift from treating undocumented migrants, in words of Gregor Noll, as 'geographically but not jurisdictionally present' to conceptualising them, following the logic of international law on minorities, as the others already within. This shift is based on treating the vulnerability of undocumented migrants, deriving from their lack of status, as resistance and catalyst for transformation. Such approach will go beyond the dominant narratives of victimisation of refugees and securitization of migration and will change the settings for discussing the situation of undocumented migrants in the EU and orient them towards alternative approaches.

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Magdalena received her PhD from the Institute of Law Studies, Polish Academy of Sciences, in 2009. Previously she worked as a researcher and university lecturer in international law at the Faculty of Law, University of Helsinki. Magdalena's current research focuses on the conceptualisation of undocumented migrants as the new European minority and on the epistemological role of exile for law. Her research interests encompass new minorities, exile studies and history of migration, vulnerability, kinopolitics, public international law, human rights and international and European refugee and migration law.