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## Introduction

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# Governing Migration through Paperwork

Exclusive Inclusion, Differentiation and State Legitimacy



**Sophie Andretta and Lisa Marie Borrelli**

Sociolegal scholars have been focusing on immigration policies and on how these policies are implemented by street-level bureaucrats or asylum judges in various contexts (Eule et al. 2019; Fassin and Kobelinsky 2012; Johannesson 2018; Kelly 2012; Spire 2008). Their work considers the place of doubt and evidence, the everyday practices of public administrations and the discretion of those directly involved in introducing or deciding on immigration claims, called street-level bureaucrats (Lipsky 2010). Focusing on street-level practices indeed allows for a nuanced analysis of ‘the state’ and its institutions ‘at work’ (Bierschenk and Olivier de Sardan 2014), which can otherwise be perceived as ‘magic’ due to the uncertainty and ambiguity of bureaucratic procedures (Das and Poole 2004; Hoag 2010). Studying governance through administrative practices also provides valuable insights into both legal and policy implementation (Eule et al. 2019; Fassin 2013; Lipsky 2010).

In order to further such anthropological accounts of ‘the state’, its policies, laws and practices, the materialization of immigration laws and policies has gained scholarly attention. Documentation functions as a form of statecraft (see Navaro-Yashin 2007; Nugent 2010), allowing the state to govern populations and to legitimize a particular moral ethos. Paperwork thus functions

as a signature of the state and a constitutive element of bureaucratic authority (Bierschenk and Olivier de Sardan 2014) that normalizes existing social inequalities (Corrigan and Sayer 1985; Gupta 2012). The continuous devaluation of asylum seekers' claims, for example – from their being perceived as refugees, to asylum shoppers, and from economic migrants to 'cunning trickster' and terrorists (c.f. Ataç 2019; Guiraudon 2000; Scheel 2019) – and the growing suspicious examination of migrants' credibility has increased the importance of material artefacts in and beyond immigration proceedings (see Johannesson 2012; see Berg, chapter 6). Generally, scholarship on migration has noted a change from asylum being framed as a right to being increasingly perceived as a privilege, thereby forcing migrants to support their claims with a growing amount of (paper) evidence (Berg and Millbank 2009; Kagan 2002). This shift also holds true for access to more stable forms of residency or, finally, citizenship for migrants with all kinds of legal status. Facing stronger barriers towards reaching citizenship, migrants need to prove their integration and participation, e.g. in the labour market, very thoroughly (see Gargiulo, chapter 3). At the same time, public administrations face heavy paper-based documentation in their everyday practices, as well as a proliferation of new databases, online services and technologies for data collection.

Paperwork – in both physical and digital form – is indeed a crucial part of everyday life within bureaucracies (Hull 2012; Mathur 2016): it translates policy actions into realities, which at times becomes a seemingly Sisyphean task for civil servants. Documents produced and processed by bureaucracies also have serious effects on those who are exposed to them (Bosworth 2016; Tuckett 2015, 2018). There has, however, been only marginal interest in studying how bureaucrats' and migrant individuals' actions are shaped through and mediated by material artefacts, or how documents are charged with meaning (Navaro-Yashin 2007), create and shape realities and bureaucratic outcomes, and at the same time are used in order to both legitimize and contest certain practices (Feldman 2016; Johannesson 2012). The documentary practices of those 'who do the documenting' (Hull 2012: 255), in particular, have hardly been explored. In order to fill in such a gap, this book focuses on the core artefact of bureaucratic work: documents, which come in various manifestations such as certificates, letters, reports, case files, decisions, internal guidelines and judgements. It builds on the idea that migration governance can be better understood through the concrete, everyday work and practices of bureaucrats, which are intertwined with migrants' strategies to navigate state practices (Hollifield 2004). Because of their materiality, as well as semiotic meaning (Pigg, Erikson and Inglis 2018), migration regimes indeed inherit the powerful ability to (de)legitimize the stay of migrants with precarious legal status, hence upholding a

strong influence on their lives. The final two chapters in this book explore how paperwork affects the mobility of asylum applicants: Sophie Nakueira shows how refugees' fabricated documents regularly end up hampering their relocation claims in the competition for the 'most vulnerable'; Hanna Berg shows how identity documents and current relocation procedures are mimicking and furthering much older systems of humanitarian governance. Broadening the scope to other categories of migrants, Enrico Gargiulo shows how municipal records and registration practices in Italy, beyond their official monitoring purpose, actively select those registered and create undocumented migrants in practice. In Swedish deportation centres, Lisa Marie Borrelli and Annika Lindberg further illustrate the controlling power of paperwork, even towards bureaucrats themselves. Against this backdrop, Sophie Andreetta demonstrates how welfare workers can sometimes write reports in favour of claimants and use dependency as an argument against deportability in welfare courts. Further thinking about the way public servants engage with the state, Larissa Veters shows how immigration bureaucrats create shifts in administrative guidelines 'from the bottom up'. Building on the idea that migration policies are shaped, in practice, by laws, shifting policies and by interactions between various actors – including migrants, state agents, and private and nongovernmental actors – the chapters in this book explore the role of paperwork in mediating, shaping, producing or fixing and amending those relationships. In doing so, and as highlighted by Thomas Bierschenk in the concluding postscript, they illustrate the double-edged nature of paper trails as tools for both migrant control and agency, exclusion, and inclusion on various levels of state bureaucracies, as well as within the broader migration regime that takes into account nongovernmental actors and the agency of migrants themselves.

## **Paperwork Practices, Bureaucracies and Migration Control**

In this book, we not only treat documents or artefacts within the migration regime as crucial providers of knowledge practices (Riles 2006) but also explore how these documents produce legitimacy and establish 'truths' upon which bureaucrats as well as migrants act. In addition, the way individuals use material artefacts discloses power relations, often hidden to the public eye and by bureaucratic procedures. Focusing our analytical lens on these artefacts can therefore help illuminate how different levels of agency and the ability to shape or manipulate administrative practices are created through doing paperwork.

Research has shown that the use of 'documents as an opaque medium of interaction' (Allard 2012) can reduce the agency of migrants in a context where the meaning of these documents is not necessarily shared (see

Nakueira's chapter). Actors involved in the migration regime 'attach fundamentally different symbolic attributes to travel documents' (Alpes 2017: 267), and paper production is strongly linked to knowledge on how to fill in these papers (Tuckett 2018). These asymmetrical relations further play out within the everyday interaction between bureaucrats and migrants. Prior academic work (Ibid.) critically examines how migrants with precarious legal status try to navigate and adapt to the requirements of state bureaucracies and shows that while incredibly complicated, official rules may at times be easily circumvented through the creation of paper trails. Paperwork, or paper trails, which are crucial to immigration procedures, indeed allow migrants to create stories in order to secure some legal status yet also cause them to engage in uncertain practices – forging and thus endangering future prospects, or even their own lives and the lives of their families. Similarly, Maybritt Jill Alpes (2017) examines how the process of migrating is contingent upon obtaining and filling out the right papers. There is a certain power lying not only within documents but also in the work with those documents, at times increasing agency on both sides (see Borrelli and Lindberg's chapter). The role that individuals grant to documents and the relevance of 'having the right kind' (or not having any) are both of crucial importance when steering through the migration regime (Berg, this volume). Indeed, refraining from signing documents, the accumulation of documents to provide evidence or the destruction of 'relevant' paperwork (such as in Nakueira's chapter) shows how migrant individuals contest this regime, but also underlines the spaces of highly asymmetrical power (Eule, Loher and Wyss 2018; Eule et al. 2019).

Besides the multiple shifts of agency between bureaucrats and migrant individuals, enhanced or hindered by paperwork, documents remain an essential part of everyday work within bureaucracies. The state materializes and gains power through forms, documents and signatures. Documents can be used as sources of evidence but are also agents and components of dynamic networks (Prior 2008). Texts such as regulations (see Veters, this volume) have meaning, change along with each actor working on and with them and thus give documents a performative role in organizational action that is materially and practically entangled in policy-making. At the same time, documents embody organizational memory (Weisser 2014; Koscieljew 2017; see also Berg, this volume). States try to render populations legible, they sort and classify residents through documentation – which is also how they come into being (Scott 1998). At the same time, the 'tyranny of paper regimes set up to control movement' (Dhupelia-Mesthrie 2014: 11) is a lived reality in migration enforcement (Bosworth 2016) and for migrant individuals. However, paperwork not only legitimizes the official practices and procedures of the state; it also allows for administrative discretion and

policy implementation. Paperwork functions as a regulatory instrument and as part of a ‘ritual construction of collective bureaucratic authority and agents’, which provides ‘opportunities for functionaries to pursue their own interest’ (Hull 2003: 287, 310).

The chapters in this book share a similar understanding of paperwork as paper ‘at work’, which includes the work that paper does – establishing administrative truths, granting or withdrawing rights – as well as the work that people do with/on paper – providing evidence, filling out forms and reports, or interpreting statutory laws through written internal guidelines. We therefore understand paperwork as a set of practices and processes through which power circulates, and identities and boundaries are produced and materialize. Despite this shared understanding, all authors pay close ethnographic attention to the specificity of different documentary genres, to the function and the types of ‘paperwork’: producing identity or counter documents to asylum applicants’ claims (Berg; Nakueira), writing reports (Andretta), interpreting immigration law in internal guidelines (Vetters), withdrawing residence permits or producing population records (Gargiulo) but also how bureaucrats may advance the legitimacy of their profession and, as such, the ‘state’ (Lindberg and Borrelli) while at times also contesting seemingly unjust practices of exclusion. As such, we highlight how various migrant categories are influenced by paperwork but also able to produce evidence that allows them to claim rights (or, at least, to try to do so).

Paperwork indeed functions as a mechanism that allows various actors to continuously negotiate but also to set up a codified set of rules, which permits bureaucracies to maintain an air of standardized practice. Documents allow for the ritual construction of a collective project (Hull 2003); in our presented context legitimacy is given to an otherwise fragmented state that both includes and excludes (see Chauvin and Garcés-Mascreñas 2020). And while paperwork stabilizes information and produces social relations (Kosciejew 2017), this form of bureaucracy does not need to automatically oppose individual treatment but allows for both – control and care, domination and protection (see Bierschenk, closing commentary; Hunter 2008). As a process, ‘paperwork’ thus enables us to explore how individuals ‘work’ with given knowledge, how information is transformed into material artefacts and eventually transported via those artefacts. Paper trails, which can be defined as ‘series of documents providing written evidence of a sequence of events or the activities of a person or organization’ (*Oxford Dictionary*), are produced as a consequence. Those trails function as means to materialize someone’s existence (Gargiulo), their itinerary, their work and whereabouts (Cabot 2012, Berg, this volume). Asylum seekers need to visualize their history of suffering (Nakueira); foreign national workers need to show their

continued employment in order to receive a more regular residence status (Tuckett 2018) and bureaucrats must collect enough evidence to revoke residence permits (Pfirter 2019). In a context where state–migrant interactions are largely mediated by documents, reflecting on the processes through which these documents are produced and used within and outside of immigration desks has become a crucial part of studying such interactions.

Focusing on the place and the role of documents also contains an implicit methodological stance: that of taking the views and practices of our ‘natives’ seriously and trying to understand the reasons for their seemingly ‘absurd’ behaviour (Beek and Bierschenk 2020) – as illustrated by welfare workers trying to get their own administration sued (Andreetta, this volume). Most of our contributions, however, focus on what documents achieve and how they circulate or are mobilized in daily state–migrant encounters: the actual process of writing them up is often invisible to the ethnographer (Vetters; Borrelli and Lindberg, this volume) because it happens online through a database (Gargiulo, this volume), behind closed office doors or because the documents that we study were already written once we got to the field (Nakueira, this volume). Much like studying bureaucrats as experts, focusing on documents nevertheless ‘opens the way for a more symmetric anthropology where researcher and researched meet on a more equal footing’ (Beek and Bierschenk 2020: 12): the ways in which bureaucrats and migrants write reports, rely on paper trails or collect documents resembles in many ways our own paperwork practices.

## **Governing Migration through Paperwork – between Agency and Control**

Based on ethnographic research, the various chapters in this book discuss in what manner paper realities can shape the mobility, agency and decisions of migrant individuals, but also how they influence bureaucratic practices and contribute to the making of immigration law. Contributions explore how paperwork guides and legitimizes bureaucratic practices, while at the same time showing how the documents produced can be contested by various actors within the migration regime. The usefulness of the collected contributions thus lies in understanding not only how documents become our informants in ethnographic research (see Riles 2006) but also how they become objects which bureaucrats and migrants act upon, contest, manipulate and produce. Drawing from Tatjana Thelen and colleagues’ (2017) idea of a relational anthropology of the state, we explore interactions between documents and various kinds of actors who try to make sense of an often highly illegible migration regime (Eule et al. 2019) through three interconnected processes: migrants’ and street-level bureaucrat’s agency and the effects that

these agencies produce; the standardization of bureaucratic practices; and how the aforementioned practices relate to various forms of perceptions of and engagements with the state. Individual contributions also focus on different sets of actors in order to understand how they use, produce and engage with paperwork in a variety of national contexts and institutions, showing how the practices of street-level bureaucrats can be understood.

The contributions by Hanna Berg, Sophie Nakueira, Enrico Gargiulo and Lisa Marie Borrelli and Annika Lindberg critically analyse the effects of paperwork for various categories of migrants. The reality of bureaucracy asking for a constant paper trail comes into being and clashes with the unstable everyday lives of migrants, who might not be able to secure such a coherent documentation (Gargiulo). Berg shows how the use of documents as a tool for controlling migrants' mobility is far from new: based on a combination of archival and ethnographic research, she highlights continuities and similarities between old and new systems of refugee documentation. Nakueira critically examines how documents regulate lived realities of refugees in Ugandan camps and studies the processes of negotiation and agency taken on by migrant individuals. Gargiulo shows how population registers, because of their selective nature in practice, end up performing and selecting legitimate residents, based, amongst other things, on avoiding dependency. Borrelli and Lindberg examine processes of deportation enforcement in Sweden and explore the role of paperwork in mediating and legitimating the detainment, deportation and discriminatory treatment of 'unwanted' migrants. Their work therefore illustrates how paperwork becomes a productive tool of control (Gargiulo; Borrelli and Lindberg, this volume), since its obscurity hinders migrants (with a more or less precarious legal status) in contesting paperwork (Nakueira, this volume) while also being forced to create it and perform according to bureaucratic rules.

Sophie Andreetta and Larissa Veters, on the other hand, both focus on street-level bureaucrats' perspective, discourses and practices, and show how they sometimes struggle with and contest controversial guidelines. They delve into street-level bureaucrats' attempts to codify their own practices and, in doing so, describe 'immigration law in the making' (Veters) and identify ways in which street-level workers challenge restrictive migration policies through 'writing for the client' (Andreetta). Looking at how welfare bureaucracies deal with social-assistance requests from irregular migrants, Andreetta shows how street-level bureaucrats write both for and against the state (see also Eckert et al. 2014) in their reports, which they hope will be used as grounds for contestation against the administration. Through the production of paperwork, she describes policy implementation as a fragmented, sedimented process, wherein social workers are constantly dealing with competing and changing interpretations of law. Veters, on the

other hand, studies administrative guidelines as an internally produced and used documentary genre with which German immigration officials attempt to standardize their own administrative practices.

Together, the contributions show how paperwork enables, mediates and constrains power, and deconstruct the struggles of all actors involved in their daily attempt to legitimize their claims, without discrediting the difficulty bureaucrats may face in their job. Concluding with a postscript by Thomas Bierschenk, this book addresses wider concerns in the anthropology of bureaucracy, including the Janus-faced bureaucracies which researchers and migrants encounter, displaying the oppressive and dominating regimes of protection and control. This book therefore ultimately shows how studying the documentary practices of the state and of the migrants who engage with it helps unpack the way immigration laws and policies are implemented, interpreted and questioned on a daily basis within various bureaucracies. It shows how civil servants can both produce statehood in restricting migrants' movements and limiting access to legal statutes and benefits, in line with current political agendas in many countries, while at the same time questioning their own practices and regularly using their discretion in order to help migrants. The different contributions, finally, help to highlight organizational and professional differences in the way civil servants deal with migrants, relate to the state and its policies, and define their obligations towards migrants and towards the state. We thus contribute to the study of the state as documentary practice and highlight the role of paperwork as a serious practice of migration control.

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