

Writing for Different Audiences

Social Workers, Irregular Migrants and Fragmented
Statehood in Belgian Welfare Bureaucracies



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Introduction

‘They always say no the first time you ask for help’, Marie explains about her local welfare administration. ‘My lawyer told me that when they refuse my request, I can come back with the decision and we would take the matter to court’. (Excerpt from interview, 2019)

Marie moved to Belgium in 2012 in order to get medical treatment for a degenerative disease that couldn’t be properly treated in her home country, the Côte d’Ivoire. She travelled with a ten-day tourist visa but, as soon as she arrived, she was so sick that she had to be transported to the hospital directly from the airport. Three weeks later, her doctor advised her to contact her local welfare office – the Public Centre for Social Assistance (PCSA) – and ask for emergency medical assistance (EMA), so that they could cover the bills as well as her future treatments. Her request was denied on the grounds that her visa was delivered under the premise of sufficient resources. The social report leading to that decision also stated that Marie was consistently refusing to be truthful about the ‘real’ motives of her trip to Belgium, and that her visa had most likely been obtained under false

pretences. Five months later, the court ruled in Marie's favour, ordering the administration to pay for her medical bills. Over the last six years, Marie has been to court (and won) three times against the welfare office.¹

In Belgium, welfare administrations are tasked with delivering social assistance, which is meant to safeguard human dignity. It can take many shapes and forms: public centres for social assistance can help people pay for healthcare, they can give out furniture or household appliances, milk for new-borns, or nappies. They can also provide replacement revenue for those with no other source of income. Since 1996, however, social assistance has been limited to EMA for those without regular immigration status on Belgian territory – which is the case for Marie. Labour courts, which deal with all social-security matters including welfare, have, however, identified a series of exceptions based on human-rights principles such as the prohibition against torture and inhuman and degrading treatment. Thanks to one of these exceptions, in addition to her medical bills, Marie was also granted financial aid of €600 a month while she waits for immigration courts to settle her case.

In many European countries, recent welfare policies and administrative procedures have been intended to limit access to social assistance for those with a precarious immigration status (Pfirter 2019). However, in large cities especially, welfare bureaucracies are increasingly confronted with users without permanent residency, ranging from undocumented third-country nationals to European citizens with or without a registered address (Lafleur and Mescoli 2018), or people whose immigration claim is pending yet are considered 'undeportable' (De Genova 2002) for a variety of reasons. Building on the idea that states, public institutions and the work of civil servants can be understood by following the trail of paperwork, this chapter shows that while administrative procedures tend to effectively limit access to social assistance for those with a precarious legal status (Goldring, Berinstein and Bernhard 2009), in French-speaking Belgium social workers are still regularly taking special pains to facilitate migrants' access to emergency medical care and, sometimes, to financial social assistance despite the restrictions imposed by law and administrative guidelines. Based on ethnographic fieldwork conducted at welfare offices, legal clinics and labour courts, I demonstrate how social reports produced by the administration can not only become viable tools of contestations against the state in court but also offer a nuanced understanding of state-(non)citizens' (Tonkiss and Bloom 2015) relationships with public services.

When it comes to the welfare–migration nexus especially, scholars mainly investigate migrants' strategies outside of, or at the margins of, the state – highlighting the numerous obstacles in accessing public social-protection schemes (Sabates-Wheeler and Macauslan 2007; Alpes 2015; Chauvin and

Garcés-Mascareñas 2020). In parallel, civil servant's discretionary practices are often described as over-filtering (non)citizens claims and restricting access to public services (Spire 2008; Perna 2018, 2019; Eule, Loher and Wyss 2017). Against this backdrop, this chapter shows how welfare workers, when faced with claimants in particularly precarious situations, use state laws and documents in order to help further migrants' requests. These strategies of resistance against restrictive immigration/welfare policies illustrate the double-edged potential of state laws and documents. Social reports are produced by the state and contribute to welfare administrative practice, but they can also be used as evidence against the administration in court. State laws, through administrative guidelines, both restrict irregularized migrants² access to social assistance and allow for contestations in court. The way documents are written, circulated and used as evidence within different parts of the state therefore eventually illustrates how the fragmented character of statehood offers potential for contestation and resistance within state institutions themselves, using state laws.

During the course of this research, I shadowed users, whom I usually met when they consulted legal clinics where they shared their difficulties or the reasons for their reluctance to ask for social assistance. I would accompany them to their local welfare office and act as a facilitator or a translator. Over a period of six months, in 2018 and 2019, I also shadowed social workers from four local welfare offices in Brussels and in Wallonia while they dealt with new requests, performed house visits, held interviews with beneficiaries and discussed cases with their colleagues. I read social reports; asked how they were written and for what purpose; and listened to the doubts, difficulties and pitfalls of doing social work for public-services agencies.³

As part of a field of research that studies the link between welfare bureaucracies and undocumented migrants, this chapter provides an analysis of the broader legal framework to shed new light on the emergence of restrictions on migrants' rights to social assistance over time. It also explores how welfare claims are filed and processed by the administration and delves into the significance of how documents are collected, circulated and processed by social workers. Finally, the chapter also focuses on the documentary evidence, such as reports, produced by social workers and shows how competing interpretations of law shape the content of these administrative documents. Understanding how documents are produced and utilized within and outside of welfare bureaucracies allows for insights into the ambiguities of civil servants' relationship to the state, and the tools available to them for dealing with conflicting loyalties – towards the administration as their employer, the beneficiaries as their 'clients' – and the ethical guidelines that frame and condition their professional identity.

Welfare Bureaucracies, Irregular Migrants and (Fragmented) Statehood

Inspired by Michael Lipsky's (1980) analysis of street-level bureaucracies, social scientists have generally widened the analytical lens on public institutions to include the practices of their civil servants (Maynard-Moody and Musheno 2000; Spire 2008; Bierschenk and Olivier de Sardan 2014; Thelen, Vetter and Benda-Beckmann 2017). These scholars approach bureaucracies from different yet overlapping angles. While some analyse interactions between front-desk civil servants and users (Heyman 1995; Spire 2008; Bierschenk and Olivier de Sardan 2014), others focus on paperwork (Hull 2012; Mathur 2016). Administrations were commonly studied as a way to understand statehood (Hull 2012; Bierschenk and Olivier de Sardan 2014), to analyse policy implementation (Spire 2008; Dubois 2010) or for the (often competing) understandings of law involved in state-(non)citizen interactions (Alpes and Spire 2014; Andreetta 2020). In studying the practices of street-level bureaucracies who are entrusted with the task of aiding migrants with a precarious legal status (Spire 2008; Cabot 2012; Perna 2018, 2019; Borrelli and Lindberg 2018), this chapter shifts the focus to the modes of producing, sharing and utilizing documents within and across public administrations in French-speaking Belgium. It draws on recent studies on paperwork and governance in Asia (Hull 2012; Gupta 2012) and on the idea that unpacking the discourses and practices of street-level bureaucrats is central to understanding statehood (Bierschenk and Olivier de Sardan 2014) – albeit, in this case, to the way migration continues to be governed beyond the purview of immigration desks.

Immigration desks and welfare offices were no exceptions in the study of public policy implementation by street-level bureaucrats (Evans 2010; Heyman 2009; Vetter 2019). Alexis Spire (2008) has shown that immigration bureaucrats often act as a first filter, taking it upon themselves to identify 'good', 'deserving' migrants. Vincent Dubois (2010), on the other hand, argues that contrary to immigration bureaucrats, welfare workers try to make bureaucratic processes more humane for those they consider most vulnerable. In a context where management models have increasingly been enforced in the public sector, others explore the influence of supervisors on the exercise of discretion by civil servants (Avril, Cartier and Siblot 2005; Evans 2010). Recent scholarship has also reflected on the role of affects and emotions in the work of street-level bureaucrats (Borrelli and Lindberg 2018). With respect to the aforementioned literature, the contribution of this study is threefold.

First, when it comes to the discretion of street-level bureaucrats, these scholars either looked at migration enforcement or at welfare desks (Evans

2010; Eule et al. 2019) – with the exception of quantitative studies assessing the ‘deservingness’ of various groups (Van Oorschot 2006; Jilke and Tummers 2018). While ‘getting papers’ is undeniably a key concern for irregular migrants, immigration desks are not the only public-service providers for migrants – especially those with a precarious legal status. This chapter, therefore, asks how welfare bureaucrats process the requests of those deemed both vulnerable and ‘undesirable’.

Second, it proposes to study street-level bureaucrats not only through their interactions with users and with their superiors but also through the documentation they produce in the course of work. More recently, paperwork has been recast as being at the centre of bureaucracies, and as a vital artefact that offers insights into the manifestations of the state in its citizens’ lives (Das 2004; Hull 2012; Gupta 2012; Mathur 2016). This contribution shows how documents can both limit access to social assistance (Gupta 2012) and, at the same time, help vulnerable groups fight for their rights. Reports written by and for the administration can indeed – and are sometimes meant to – be used ‘against the state’ in welfare court. As a consequence, negative decisions regularly serve as a first step in the long process of claiming financial assistance through litigation. Bureaucratic paperwork generated in the domain of social assistance, in this sense, illustrates the double-edged nature of official documents – that they can be used as a means for contestation not only by public-service users but also by the very civil servants who write and process them.

Third, the authors mentioned above mainly focused on civil servants’ practices, especially on how they have exercised discretion and interacted with citizens. They analysed how laws were interpreted by the administration, highlighting the contingent nature of citizens’ access to social or administrative rights, which partially relied on the person(ality) behind the desk – the way they saw their role, interpreted the law and implemented policies, which were often assumed to be coherent (Holm Vohnsen 2017: 16). The manner in which social assistance for irregular migrants is dispensed has put the spotlight on the dilemma of civil servants in the face of competing interpretations of laws and social policies – deriving from the courts, from federal administrations and from local hierarchies. At the same time, it facilitates an analysis of their daily responses to these competing interpretations.

This contribution, finally, reflects on the place and value of the state in the everyday work of civil servants – especially in their interactions with (non) citizens and, more specifically in the context of this study, with undocumented migrants (see also Spire 2008; Borrelli and Lindberg 2019). At the end of the 1990s, a small group of scholars pointed out the relevance of the street-level approach to studying statehood and governance (see Blundo

and Olivier de Sardan 2007; Bierschenk and Olivier de Sardan 2014 Olivier de Sardan and De Herdt 2015). Within that framework, civil servants were not only investigated in terms of their interactions with citizens; their professional ethos and affective relationship with the state was also discussed in recent contributions (Verheul 2013; Lentz 2014; Andreetta and Kolloch 2018). This chapter builds on the idea that the practices of civil servants must also be analysed against the backdrop of their perception of and relationship to the state (Laszczkowski and Reeves 2018): in welfare administrations, social workers are paid by the state, they represent the state and are responsible for enforcing the policies of the state; yet, in some cases, which are key to this study, they also help people to litigate against the office that they work for.

In line with the aforementioned ideas, focusing on paperwork in welfare bureaucracies eventually reveals the fragmented (Bierschenk 2014) yet interconnected nature of statehood – in this case, of the Belgian state. With every request sent to the local welfare office, information is transmitted from and to various federal agencies – some responsible for funding local offices. The guidelines and instructions of these agencies can be challenged, and sometimes overturned, by state courts. Welfare administrations can produce documents rejecting a claim in compliance with federal regulations, while simultaneously arguing in favour of granting social assistance in the same instance in internal reports, which are eventually used for judicial appeals.

The Different ‘Parts’ of the State: Welfare Laws, Institutions and Funding Practices

Welfare laws and administrative guidelines have become increasingly restrictive over the years, especially when it comes to those with a precarious immigration status. Against this backdrop, labour courts have argued for the need to safeguard fundamental rights – in effect, creating situations such as Marie’s, where migrants approach the administration expecting a negative outcome which their lawyer can subsequently challenge in court.⁴ This section will detail the legal and the institutional framework within which social-assistance requests are assessed.

In line with the Belgian Constitution, which declares that ‘everyone is entitled to live in conditions that conform to human dignity’ (art. 23), in 1976, local welfare administrations, also called Public Social Assistance Centres (PSACs), were created to dispense social assistance to guarantee that people lived in humane conditions. They replaced the old Commissions for Public Assistance (CPA) that were created in 1925 and organized help for ‘the poor’ at the local level. The CPA’s help was often arbitrary and asso-

ciated with charity – rather than with the subjective rights that beneficiaries could claim (Martens 2019). In conjunction with the creation of CPAs, the Belgian Parliament also voted for the law on EMA,⁵ the precise modalities of which were later defined in a royal decree (1965).

Far from being restricted to health emergencies in the strictest sense – in which case, people can immediately be treated in hospital – EMA covers both preventive and curative care, provided it is deemed necessary by a physician. It can, however, only be granted to irregular migrants who are in a ‘state of need’, thus excluding people with private health insurance or with social-security coverage from another European country as well as those owning sufficient resources to privately cover the costs of the treatment. When EMA is granted, people usually collect a ‘medical card’ from the welfare office, which allows them to go to a designated general practitioner (GP) to buy the prescribed medicine at the pharmacy and, if necessary, to designated specialists to get treatment for a specific disease. Medical cards, generally valid for three months, can be renewed through application.

From 1976 onwards, CPAs became PCSAs, which, aside from social assistance, were tasked with implementing a minimum income scheme for Belgian citizens with no other source of income: the *minimum de moyens d’existence* (1974); since 2002, the Social Inclusion Revenue (*Revenu d’Intégration Sociale*). Social assistance, on the other hand, could take many shapes and forms: PSACs could, and still can, help people pay for healthcare and give out furniture or household appliances, milk or nappies for new-borns. They could also provide financial assistance for non-Belgian nationals.

The 1976 law on Public Social Assistance initially did not include specific provisions regarding those without a regular immigration status, which meant that although they were disqualified from the minimum income scheme they could benefit from social assistance that included, but was not limited to, medical assistance. The 57th article of the law was modified for the first time in 1984, in an attempt to limit social assistance for ‘illegal’ migrants to the bare minimum; however, it still allowed administrations to grant them the same benefits as those given to Belgian citizens. In 1993, the same article was modified again, and limited ‘illegal’ migrants’ social assistance to the (financial) help that was necessary to allow them to leave the country. In 1996, social assistance was limited to EMA.⁶

Labour courts, however, came up with a series of exceptions to enable social assistance to irregular migrants on a regular basis. The first kind of exceptions are linked to the impossibility of deporting people to their own country due to medical, administrative or family reasons, such as people who are severely ill or heavily pregnant, whose home country refuses to recognize them as their citizens or who are a parent to Belgian children.

More recently, the European Court of Justice⁷ ruled that those who had applied for Belgian residency based on a severe medical condition and were denied their claim by the Foreign Office, forcing them to bring their case before immigration courts, could claim their right to an effective recourse against administrative decisions and also be granted financial assistance. In other words, deporting them to a country where they claim they could not get proper treatment, or leaving them without any resources on Belgian soil, would violate their fundamental rights. National courts, however, have to assess whether the basis for appeal is substantial and the medical condition serious enough.

Citizens and migrants who wish to benefit from social assistance – medical or otherwise – must file their request with the PSAC of their municipality. Based on a ‘social inquiry’ conducted by a caseworker, the administration examines whether the applicant meets the legal criteria. A decision is eventually made by the PSAC’s council and the applicant is notified by post. When granted in compliance with the guidelines of the federal Public Planning Service for Social Integration (SPP IS), social assistance and minimum income are funded by the ministry. Those guidelines define, for example, what kinds of medical treatment constitute EMA – which means that the costs of other treatments must be assumed by the respective local office. Should they be unsatisfied with the outcome, people can either ask the PSAC’s council for a hearing or take their case to court: both options are generally mentioned in the ‘small print’ of every decision.⁸ If the judge finds against the administration, the costs are eventually covered by the federal state regardless of administrative guidelines.

This section, therefore, has illustrated the plurality of norms and institutions involved in the provision of social assistance and highlights the rising significance of the Belgian judiciary, specifically in the case of irregular migrants.

Making a Case for Social Assistance: Documents as Filters

This section explores how social-assistance requests are filed, and the necessary documentation constituted in local welfare offices based on documents requested from migrants, on the one hand, and the ones that social workers hand out to migrants, on the other. It shows how paperwork can both allow effective action against the administration and act as a filter to limit access to public assistance.

Although every local welfare office is organized slightly differently, generally, offices in larger cities process first-time applications with the help of a specific team composed of administrative staff or of social workers. These front-line workers are tasked with registering the claims, assessing

whether or not people are in the right place and if their claim for social assistance is likely to be legitimate – in which case, they proceed to ‘opening a case-file’. People who are deemed unlikely to qualify are either redirected to other public-services agencies or simply told that they do not meet the legal requirements for public assistance. Once they have successfully passed through this first filter, people are given an appointment, a list of documents they need to present and a receipt proving that their request has been filed with the administration. The welfare office then has thirty days to examine and reply to their request.

Those documents represent the second filter in accessing social assistance: in most welfare offices, claims will only be examined once the file is deemed ‘complete’ with all the requested documents, which conditions and limits access to social assistance – often beyond the legal provisions, as most offices systematically ask for bank statements, for example, while they are under no legal obligation to do so. Legal provisions only refer to the ‘absence of resources’ and the ‘state of need’, but do not stipulate how these should be assessed. As the following example illustrates, local bureaucracies often opt for a strict interpretation of legal principles, effectively limiting beneficiaries’ access to public assistance (Gupta 2012).

14 March 2019, Brussels: I’m accompanying Elizabeth, a 40-year-old woman from the DRC [Democratic Republic of the Congo], to the welfare administration in order to request emergency medical assistance. Elizabeth explains that she came to Brussels in order to work for her embassy and decided to stay on when her contract ended, although she had by then lost her legal immigration status. ‘My kids have been going to school here for several years’, she explains, ‘in my country, they won’t get any education. Besides, there is no unemployment benefits for me, no more work’. Two weeks ago, she tried to get EMA from another office. When they told her that they would have to perform a house visit as a part of the social inquiry, she had to withdraw her request: she lives with a friend, also in a precarious legal situation. ‘I begged her, but she does not want a civil servant to come into the house’, Elizabeth explains.

The purpose of those visits is to verify the actual residency, which is one of the legal conditions for granting social assistance. Some social workers only check that the person is there; others ask to see the different rooms in the house and take notes of the belongings – or the absence thereof. Those visits are also, in theory, meant to help caseworkers⁹ to further connect with the person and potentially identify other needs that the administration could help with – although when it comes to beneficiaries with a precarious legal status, ‘help’ is often limited to medical assistance. In practice, social workers generally focus on the first point, as demonstrated in this further account regarding Elizabeth:

We get to the PSAC. Elizabeth presents her passport at the front desk. Half an hour later, Mr. Paco, one of the social workers, shows us the way into this office. He sits behind the computer and asks: 'So, why are you here?' Elizabeth turns to me. 'We came to request emergency medical assistance,' I explain. Mr. Paco asks for her passport and notices the old visa. He asks about the validity, and then explains: 'because the information you give us here can go to the foreign office.'

Elizabeth interrupts: 'I don't think you understand me. My passport is no longer valid, nor is my visa. I'm illegal here.' 'All right. So, where do you live then?' For over half an hour, Mr. Paco asks about where she stays, with whom, where she eats, where she does laundry, where and how her children go to school, how she pays for food and for the bus, where she buys phone cards. He also asks why she came to Belgium, how and when, what kind of applications she made for residency, why she stayed when her visa expired. Mr. Paco asks how she gets by, especially with two underage children. Finally, he asks about her health. She didn't bring a doctor's certificate, but she can bring one next week. He asks again about her living situation: Elizabeth explains that she left her friends' house and has been staying in a park for the last few weeks – this way, she places herself under the jurisdiction of this particular office. Mr. Paco highlights that given the fact that she has two children, this will raise questions from his superiors.

He eventually prints out a series of documents. The first one contains an appointment in two weeks: provided her file is complete, she can pick up her 'health card'. He gives her a receipt, and asks her to sign three other documents: one where she declares she has no resources in Belgium or abroad, a second one stating the duties of the beneficiary – informing their caseworker of any change in their administrative, professional, or private life, responding to the administration's request for information, meeting with their caseworkers when summoned – and a third one concerning her children. 'Here, you choose one box, and you sign,' Mr. Paco states. Elizabeth turns to me. 'I don't know what this is.' Mr. Paco explains: 'This document tells you about the possibility of securing food and housing within a centre, because the state is concerned about children staying in the street. You can say you'd like the accommodation, but then you may eventually get deported, or you can refuse, it is your choice. Just tick the box and sign it.' Elizabeth hesitates. Some NGOs warn migrants against signing this form, which welfare offices' lawyers sometimes use in court to argue that people are not really in need of assistance, because they denied it when it was offered. I ask: 'Can we bring it back with the medical certificate next week?' 'No problem, but her file won't be complete until I have this,' Mr. Paco explains, 'I can't give her medical assistance without it. It is a requirement from the ministry.' (Fieldnotes, March 2019)

Beyond the legal framework, welfare administrations are also bound by administrative guidelines from the ministry – the respect of which conditions federal reimbursements to the local administration. If those require-

ments are not met and requests are granted anyway, local offices lose a portion of their funding. The federal administration, however, performs checks only in cases where public assistance was granted. If local offices wrongly deny someone medical or financial assistance, no penalties will occur. These selective control practices often lead to a restrictive interpretation of administrative guidelines by welfare offices. In the case described above, administrative guidelines only request that welfare offices inform families with a precarious legal status of the possibility of being housed in a centre. Having people sign a document where they choose to accept or refuse public housing therefore effectively adds one condition – filling out the form and, most likely, denying the state’s help beyond emergency medical care – that would qualify them for medical treatment. This condition can, furthermore, potentially limit people’s ability to claim financial assistance later on.

The documents handed out, on the other hand, materialize the claim. With the receipt proving that a request was made, and remained unanswered, people can take their request directly to court if local offices do not make a decision within thirty days. Failure to issue such documents, makes it impossible for users to take their case to court. Front-desk workers – who interview visitors about their immigration status, their home accommodation and their resources – regularly inform them that they, unfortunately, might not qualify for any financial benefits. Those requests for social assistance are, therefore, never formally filed or examined, and the *de facto* negative decisions that result from the front-desk interactions make it impossible to challenge them as a consequence – because there is no (paper) evidence that a claim was filed and denied. People are also given copies of the documents that they were asked to sign at the time they filed their request. Those documents include a declaration of their resources and family status, whereby they commit to keeping their social worker informed of ‘any change’. Most caseworkers explain that this involves a potential change of address, of immigration status or employment. Failure to volunteer such information can be considered fraud, and lead to the withdrawal of assistance as well as to financial penalties. When it comes to irregular migrants especially, those documents are usually presented as ‘necessary for the case to be opened’, never translated and hardly explained – unless people specifically ask. The way documents are handed out, therefore, results in ‘illegible’ administrative procedures (Eule, Loher, and Wyss 2017; Eule et al. 2019; Borrelli and Lindberg 2019), and their outcomes are impossible to challenge as a consequence.

In the first steps of assessing a claim for social assistance, paperwork therefore largely functions as a selection mechanism: those who do not have the right papers and those who cannot comply with the growing requests for

documents and signatures are simply disqualified. However, because they help materialize the claims, the same documents are potent tools for contestation ‘against the state’ in court – when a request is denied or remains unanswered. The way files are constituted within welfare bureaucracies also helps depict legal and policy implementation as a sedimented and fragmented process (Bierschenk 2014; Gupta 2012), where, with each interpretative ‘layer’, access to public assistance becomes subject to a growing number of conditions.

Writing Social Reports: Professional Ethos, Conflicting Interpretations and Competing Loyalties

After a case file is deemed complete by the caseworker in charge, he/she has to ‘do the case’ (*faire le dossier*), which involves writing a report that summarizes the results of the investigation and recommends granting or denying the applicant’s request. Once validated, the applicant is notified of the decision. Social reports are, in theory, meant to be read and shared within the administration and controlled by the ministry. Users never get to see them unless they formally make a request to read their files. Welfare decisions, on the other hand, are meant for the beneficiaries. They have to be justified by both law and facts, and can, if beneficiaries disagree, be challenged in court. In the case of irregular migrants, however, social workers sometimes anticipate or even encourage people to take their (negative) decision to court and adapt their report accordingly. These documents, thus, show how, beyond the influence of supervisors (Evans 2010), civil servants engage with competing instructions and interpretations of law – on the one hand, of the ministry, which restricts social assistance for irregular migrants; on the other, of state courts. How social workers finally write up their report illustrates their double-edged relationship with the state: social reports carry the ‘signature of the state’ (Das 2004) yet, at the same time, the very same reports are used to challenge the state’s administrative decision.

Writing reports is a crucial part of the social workers’ job and, in fact, accounts for more than half their workload. The reports generally summarize a range of issues, such as the person’s administrative situation; the circumstances that led them to request welfare assistance; their journey as a migrant; and their education, professional experience and healthcare situation. Social reports also include a description of the person’s home, after the social worker performs a home visit, and the recommendation of the respective caseworkers on the merits of the request.

While the wording of decisions is often described as too legalistic, and mainly based on templates, social workers often highlight the degree of autonomy and discretion they enjoy in writing reports.

‘You can present things however you’d like’, Romuald, a 33-year-old social worker explains, ‘because even if your boss is going to read what you wrote, and check that you have all of the documents, in the end you are the only person who meets with beneficiaries.’ (April 2019)

‘You can really sway a case, influence its outcome, with the way you present things in your social report’, Anne, 32 (June 2018), confirms.

Most agencies provide their employees with a template for the report, with sections earmarked for information on – as mentioned above – such aspects as identity, education, work history, family ties and health. Although reports are meant to be ‘objective’, social workers all agree that in presenting their client’s situation they can either insist on the precariousness of their living conditions or of their health, or, on the contrary, indicate that people should be able to get by without help. Reports from social workers regularly describe the appearance of the person and their own impressions of them based on their most recent interview, and also whether or not their story seems ‘credible’. Marie’s¹⁰ social worker, for example, wrote that she was not being truthful about the reasons for travelling to Belgium and about the manner in which she had obtained her visa. Her social report argued that it was likely that Marie was lying and, therefore, should be denied EMA. Such comments, however, rarely appear on official notifications. Thus, while the document that Marie received simply stated that this form of social assistance could not be granted to those holding a valid visa, the documentary evidence prepared by the social workers may serve as the main reason why requests are granted or denied. Administrative boards rely almost exclusively¹¹ on paper realities – what social workers write and describe in their reports – in order to decide on specific cases.

Supervisors, however, can request more details, or more (documentary) evidence. Social workers’ practices, especially when it comes to documents, therefore, partly depend on their superiors (Evans 2010).

‘I never used to have people sign at the bottom of my reports’, Romuald remembers, ‘then I had a new supervisor and he really insisted on it. He even blocked some of my cases because of that.’ (March 2019)

Supervisors can also have a say in a case’s outcome if they conclude that the conditions for social assistance have not been met or that more information needed to be provided, such as on the resources of relatives or potential possessions abroad.

Social workers, however, are careful to point out that their final recommendation, as ratified by the PSAC’s council, is mostly contingent on

administrative guidelines and the associated federal funding. On the one hand, the ministry's guidelines are based on a national administrative interpretation of welfare laws: irregular migrants are granted EMA on the condition that their visa has expired and they have no guarantors in the country. Labour courts, on the other hand, regularly find that withholding treatment to those carrying a visa would breach Article 3 of the European Convention on Human Rights (ECHR), or that financial assistance must be granted to those who are proven too ill to be deported. In such situations, social workers end up in a double bind – or, more accurately, are trapped in contradictory interpretations of the law.

In cases involving irregular migrants, social reports are, as a consequence, regularly at odds with the final decision, which is often drafted by the social workers themselves and validated by the supervisor and eventually by the PSAC's council. Although requests for financial assistance are almost always denied, social reports frequently describe situations where people have no source of income and very few possessions. At best, most are granted just the EMA. Other social workers, like Anne, remain committed to requesting financial help on behalf of their clients in their recommendations: she noted:

I have this case, a woman and her children, they have no papers, and they really live in terrible conditions. Every time I do my 3-monthly report for EMA, I also ask for financial help. It's always denied. But I think my job is also to write all of that. (April 2018)

Welfare offices almost systematically reject requests that would involve payments not stipulated in the administrative guidelines, and therefore not state funded, for financial reasons. If they are ordered by welfare courts to do so, however, the amounts granted will be reimbursed by the ministry. Social workers who deal with irregular migrants are generally aware of this problem and write their social reports accordingly: most mention the need to carefully weigh their words in a document that could eventually be used as evidence in court proceedings. Some even write in the hope that their reports will be used in court, as Anne explains:

I asked for social assistance on our own funds, and I knew it was going to be denied. But I'm thinking that if the lady's lawyer goes to court, and my report is in her favour, maybe the judge will decide in her favour too. (March 2018)

Helping or encouraging people to go to court, therefore, is sometimes the only strategy at hand to secure social assistance when local administrations are unable to afford it. Melissa, a 32-year-old social worker explains:

We denied social assistance and gave them emergency medical care, and then we worked together with the lawyer because I wasn't 'against' this family. I did everything I could in my social reports, I explained how the family lived, I explained it was inhumane to leave children in conditions such as those: there was no food . . . the house was mouldy, there was no heat, no electricity and no water, it was living conditions like I rarely saw them. (May 2018)

On Melissa's advice, the family went to a pro bono lawyer and took the welfare office to court. Six months later, they were granted social assistance. In those situations, social workers often mention conflicting loyalties, to the state as their employer and to their *professional ethos* on the other, as Francine noted:

There are rules, there are laws, and there are the bosses of the administration, but you are there to help people. My job is to help people, it is not to help my employer not to give money. (May 2018)

Cases like Melissa's are, however, the exception: mostly, irregular migrants only get access to emergency healthcare – on the condition that they agree to file a request supported by a medical certificate and endure a month's wait until their case is decided upon. Social workers only offer the tools favourable for litigation if they judge that the situation justifies it – 'living conditions like I've rarely seen' – and believe that their 'client' would have a chance to win. Getting someone to go before the court, thus, often involves explaining that a negative decision is expected but it is possible to sue the administration. Such a strategy is only used in favour of those identified as 'really needing it', in the same way that teachers tend to help students primarily on the basis of *needed deservingness* (Jilke and Tummers 2018). In welfare administrations, 'needed deservingness' is often established on an emotional basis – whereby social workers confess to being 'touched' or 'moved' by certain situations or conditions. Francine adds:

Once, I even called the lawyer and coordinated with him; it was a woman, her daughter had a very rare disease. The hospital was suggesting experimental treatment, and their insurance wouldn't cover it. Because they still had a visa, I couldn't grant EMA. I just couldn't tell them 'thank you, and goodbye'.

When it comes to irregular migrants, social workers constantly have to balance the stipulations of the state – or, more accurately, of the administration – with the interests of those who come to them for help. This section has also shown how documents meant to be written by and for the administration are sometimes intended for the judiciary, hence influencing

the information selected or omitted in the drafting of those reports. Valérie (a social worker) explains:

I now pay much [more] attention to the way I describe people's home after my visit, because I had a case where the judge questioned the people's state of need, because I wrote about the furniture, the TV, the clothes. The family had been living here for 10 years, of course there was a lot of stuff. When we write about home visits, we are trying to establish effective residency, so it made sense to describe all of that. Since then, I'm much more succinct in my reports.

Besides the fragmented nature of the Belgian state, social workers' strategies and writing practices eventually illustrate its interconnectedness: documents, although initially written for one purpose, are transmitted and utilized by several administrative sites to serve their own agendas. Those reports also act as spaces for contestation, not only for irregular migrants and their lawyers but also for social workers who manage to use administrative documents against the very administration that generates them. Contrary to the common assumption that street-level bureaucrats break or circumvent the law on a regular basis (Blundo and Le Meur 2009; Holm Vohnsen 2017), such bureaucrats, in writing for divergent audiences, use the law and official procedures to help migrants mount cases not so much against the state as against its most recent policies and modes of enforcement.

Conclusion

Foreigners in Belgium are entitled to different forms of social assistance. Depending on their immigration status, these range from emergency medical care to welfare benefits. But in a context where residence permits are constantly updated, re-examined or sometimes withdrawn by the administration, the relationship between irregularized migrants and the Belgian welfare state is at best tenuous.

Decisions on requests for financial or healthcare assistance are made on the basis of documentary evidence. Shifting the focus to the social effects of paperwork generated in the context of the Belgian welfare regime, various sections of this chapter have shown its deployment towards a more restrictive implementation of welfare laws – in line with the current political agenda.

Social workers in Belgium are, at the same time, at pains to create spaces for contestation against administrative practices. Contrary to Spire's (2008) immigration bureaucrats, Belgian social workers sometimes use their discretion to help further migrants' claims to social assistance. Rather than seeing their role as protecting the state, they regularly question the accuracy

of the ministry's interpretation of national laws and highlight their ethical and professional commitment to help those in need.

The case of welfare for irregular migrants illustrates how street-level bureaucrats navigate between competing interpretations of law and policy guidelines and adapt their practices accordingly. Detailed ethnographic research helped show that welfare workers ensure that they comply with the administrative guidelines for financial reasons, while, at the same time, encouraging litigation against the administration by producing documents that can help the vulnerable groups win. This last point helps demonstrate that the fragmented nature of statehood – and the conflicting norms that state actors must reconcile on a daily basis as a result – simultaneously allows for increased control of (non)citizens and civil servants alike, and for acting against or beyond such control. Official documents, laws and administrative guidelines have the potential to both restrict and to further migrants' rights – depending on how they are worded, which forum they are brought before and how they are used.

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Notes

1. Some of the facts of this case were altered in order to guarantee anonymity. All participants were given pseudonyms, as well as approximate ages and job titles.
2. This chapter refers to migrants who, under welfare law, are categorized as 'illegal'. Building on De Genova (2002) and Goldring Berinstein and Bernhard (2009), I also refer to them as irregularized or as holding a precarious immigration status.
3. After they graduate, social workers can choose between different fields: welfare, healthcare, the youth or the family sector, either within public institutions such as hospitals or PCSAs – the largest employer for social-work graduates – or in nongovernmental organizations (NGOs). Working 'for the state' as a social worker comes with specific obligations, not only with respect to the wellbeing of the beneficiaries but also in terms of complying with certain rules and being loyal to the state as well as to those using public services.

4. Organic Law of 8 July 1976 on Public Social Assistance Centres.
5. Law of 8 July 1964 on Emergency Medical Assistance, *Moniteur belge*, 25 July 1964; Organic Law of 8 July 1976 on Public Social Assistance Centres, *Moniteur belge*, 5 August 1976.
6. Organic Law of 8 July 1976 on Public Social Assistance Centres.
7. See CJEU Case C-562/13, Abdida, judgment of 18 December 2014, ECLI:EU:C:2014:2453.
8. Law introducing the ‘Charter’ of the social beneficiary, *Moniteur belge*, 6 September 1995.
9. In the context of welfare administrations, social workers are the caseworkers. The terms are used interchangeably.
10. See introductory vignette.
11. Except when people make use of their right to be heard – less than one case per month.

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