Introduction

Governing migration through paperwork

Lisa Marie Borrelli and Sophie Andreetta

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Abstract: In order to better understand migration governance and the concrete, daily practices of civil servants tasked to enforce state laws and policies, this special issue focuses on the core artefact of bureaucratic work: documents, in their diverse manifestations, including certificates, letters, reports, case files, decisions, internal guidelines and judgements. Based on ethnographic studies in various contexts, we show how civil servants produce statehood, restrict migrants' movements, and engage with migrants' strategies to make themselves legible. State actors simultaneously limit access to legal statutes and benefits, question their own practices, and use their discretion in order to help themselves as well as migrant individuals. We also highlight organisational and professional differences in the way civil servants deal with migrants, relate to the state and its policies and define their obligations towards both, migrants and the state. This special issue therefore contributes to the study of the state as documentary practice and highlights the role of paperwork as serious practice of migration control.

Keywords: anthropology of law, anthropology of the state, bureaucracies, ethnography, governance, materiality, migration, paperwork

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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', the materialisation of its (migration) laws, policies and practices has gained scholarly attention. The continuous devaluation of asylum seekers' claims – from 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 broadly speaking, of migrants' credibility, has increased the importance of material artefacts in and beyond immigration proceedings (see Johannesson 2012). Generally, scholarship on migration has noticed a change from asylum being framed as right, to being increasingly perceived as privilege, therefore forcing migrants to support their claims with a growing amount of (paper) evidence (Berg and Millbank 2009; Kagan 2002). 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. Yet, documents produced and processed by bureaucracies 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 legitimise and contest certain practices (Feldman 2016; Johannesson 2012).

Building 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), this special issue 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. Because of their materiality, as well as semiotic meaning (Pigg et al. 2018), migration regimes indeed inherit the powerful ability to (de)legitimise the stay of migrants with precarious legal status, hence upholding a strong influence on their lives. This issue therefore builds on the idea that migration policies are shaped, in practice, by laws, shifting policies and by interactions between various

actors, including migrants, state agents, private and non-governmental actors, and explores the role of paperwork in mediating, shaping, producing or fixing and amending those relationships.

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 migrant individuals 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 (Nakueira and Pfirter, this issue) in a context where the meaning of these documents is not necessarily shared. 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 (Tuckett 2018) 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 causes 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 (Borrelli and Lindberg, this issue), at times increasing agency on both sides. 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. Indeed, refraining from signing documents, the accumulation of documents to provide evidence or destruction of 'relevant' paperwork (Nakueira, this issue), shows how migrant individuals contest this regime, but also underlines the spaces of highly asymmetrical power (Eule et al. 2018, 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' materialises and gains power through forms, documents and signatures. While states first try to render populations legible and produce a sorting and classification of the latter through documentation, they allow themselves to 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 does not only legitimise 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 collected contributions of this issue 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 materialise. 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 counter documents to asylum applicants' claims (Nakueira), writing reports (Andreetta), interpreting immigration law in internal guidelines (Vetters) or withdrawing residence permits (Pfirter), but also how bureaucrats may advance legitimacy of their profession and as such the 'state' (Borrelli and Lindberg), while at times also contesting seemingly unjust practices of exclusion.

Paperwork indeed functions as a mechanism that allows various actors to continuously negotiate, but also to set up a codified set of rules, which allows bureaucracies to maintain an air of standardised practices. 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 materialise someone's existence, their itinerary, their work and whereabouts (Cabot 2012). Asylum seekers need to visualise their history of suffering (see Nakueira, this issue); 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, this issue).

Based on ethnographic research, the various contributions of this special issue discuss in what manner paper realities can shape the mobility, agency and decisions of migrant individuals, but also how it influences bureaucratic practices and contributes to the making of immigration law. The articles explore how paperwork guides and legitimises bureaucratic practices, while at the same time showing how the produced documents can be contested by various actors within the migration regime. The interest of the collected contributions is thus to understand not only how documents become our informants in ethnographic research (c.f. 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: the standardisation of bureaucratic practices; migrants and street-level bureaucrat's agency and the effects that these agencies produce; and how the aforementioned practices relate to various forms of perceptions, 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.

Sophie Andreetta and Larissa Vetters both focus on street-level bureaucrats' perspectives, 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' (Vetters), and identify ways in which street-level workers challenge restrictive migration and support systems, through 'writing for the client' (Andreetta). Vetters studies administrative guidelines as an internally produced and used documentary genre with which German immigration officials attempt to standardize their own administrative practices. 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 a ground for contestation against the administration. Through the production of paperwork, she describes policy implementation as a fragmented, sedimented process, where social workers are constantly dealing with competing, and changing interpretations of law.

The contributions by Lisa Marie Borrelli and Annika Lindberg, Luca Pfirter and Sophie Nakueira critically analyse the effects of paperwork for the respective migrant individuals. 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. Paperwork therefore becomes a productive tool of control (Borrelli and Lindberg), since its obscurity hinders migrants (with precarious legal status) to contest paperwork (Nakueira, Pfirter), while also being forced to create it and perform according to bureaucratic rules. 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. 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. Pfirter shows how non-standardised warnings and menaces regarding the potential loss of residence permits due to a dependency on social assistance are handed out by cantonal migration offices in Switzerland, in order to later on legitimise their actual decisions on residence permit revocations. These warnings allow for a reproduction of the legal system and politics of belonging.

Together, the contributions show how paperwork enables, mediates and constrains power, and deconstruct the struggles of all actors involved in their daily attempt to legitimise their claims, without discrediting the difficulty bureaucrats may face in their job. Concluding with a postface by Thomas Bierschenk, this special issue addresses wider concerns in the anthropology of bureaucracy, including the Janus-faced bureaucracies, which researchers and migrant individuals encounter, displaying the oppressive and dominating regimes of protection and control.

Together, the collected articles finally show 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 bureau-

cracies. They show 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 them. The different contributions finally highlight organisational and professional differences in the way civil servants deal with migrants, relate to the state and its policies and define their obligations towards migrants. We thus contribute to the study of the state as documentary practice and highlight the role of paperwork as serious practice of migration control.

Acknowledgements

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Lisa Marie Borrelli works as a postdoctoral researcher at the HES-SO Valais-Wallis and the University of Neuchâtel within the National Centres of Competence in Research (nccr) – on the move project 'Governing Migration and Social Cohesion through Integration Requirements', led by Christin Achermann and Stefanie Kurt. Email: lisa.borrelli@hevs.ch

Sophie Andreetta completed her PHD at the University of Liège, where she focused on the daily work of state courts in Cotonou (Benin). At the intersection of social-legal studies and the anthropology of the state, her current project focuses on the administrative and the legal processes through which social assistance is delivered and human dignity is enforced in French-speaking Belgium. Email: andreetta@eth.mpg.de

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Note

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