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'They know the procedure; they just don't know when we will come': uncovering the practice of unannounced deportations

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ABSTRACT

Migration control and its enforcement represent a specific policy field, defined by the state's authorisation to use coercive regulation against migrants with precarious legal status, including forceful deportation. While the analysis of deportation as a 'technology of citizenship' has been developed historically, politically and, from the perspective of migrants, this work advances an ethnographic study of migration enforcement agencies in Switzerland, Germany and Sweden with a focus on street-level understandings of *unannounced deportation* procedures. As argued, unannounced deportations are at the very end of the coercive continuum, used to increase the deportability of migrant individuals or rather their 'willingness'. The analysed data advances three particular street-level understandings regarding the use of the practice: First, state agents understand unannounced deportations as caused by the migrants' alleged noncompliant behaviour, underlining migrants' responsibility for bringing the procedure upon themselves and therefore allowing bureaucrats to use force. Second, agents understand their work as humane, using the nondisclosure of removal dates as a practice that keeps respective deportees 'safe'. Thirdly, an underlying pragmatism exists, based on the need to implement 'law and order', with a disruptive effect for migrant individuals. States thus construct boundaries of belonging through deportation, legitimised by state agents' reflections.

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Introduction

'Hangovers' (old cases which have yet to be processed) are difficult to deport. It is also difficult to get their documents. We have regularly scheduled expert meetings with these people, but they have strong networks, meaning we are never able to track them down for these dates, including for embassy arrangements. (German federal state police [*Landespolizei*] 2017)

In Germany, the Ministry of the Interior has acknowledged decreasing numbers of successful deportations despite having steady numbers of rejections. It problematises the cooperativeness of rejected asylum applicants and other individuals obliged to leave the

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country, blaming the latter for absconding and deceiving migration authorities (Lohse 2017; fieldwork 2017). In 2016, the Swedish government announced plans to deport up to 80,000 rejected asylum seekers (Crouch 2016) yet left the question of how to pursue this goal unanswered (Swedish border police unit 2017). In contrast, Swiss authorities mentioned a decreasing number of individuals awaiting deportation, due to increasing cooperation and return agreements with third countries (De Carli 2017). Similarly to the other two European nations, though, frontline workers highlight lacking cooperation with some countries (at the time of research particularly Morocco and Algeria), hindering deportation of certain groups who receive deportation orders (fieldwork 2016-2017; also Kälin 2019). The selective agreements and varying positions of receiving countries on accepting the transport of their citizens under force create a differentiated mapping of nationalities, which are more or less 'easy' to deport for migration enforcement staff.

In the three countries' cases, deportation is partly governed by political contexts, disclosing a complex network of international relations and (lacking) collaboration, yet it is also influenced by internal organisational obstacles as well as migrants' agency to circumvent and contest deportation orders. The introductory field note discloses how deportable noncitizens make use of individual strategies of resistance, by hiding their bodies as well as their origin and ascribed citizenship. Embedded in these contestations, in which states refuse to offer 'pathways to citizenship' (Leerkes and Van Houte 2020, 17) to groups of individuals deemed 'undeserving,' this article proposes an in-depth analysis of how *unannounced* deportation practices construct boundaries of belonging.

So far, deportation has been analysed historically, politically and from the perspective of migrants, yet there is little information on *unannounced* deportation procedures and how street-level bureaucrats (SLBs) legitimate, understand and implement them against noncitizens, whose lack of legal status allows for harsher measures (Bosworth 2011). This dearth of information exists despite the established relevancy of street-level practices in policymaking (Eule et al. 2019) and the highly disruptive effects of unannounced deportations that lie at the very end of the coercive continuum, used to increase the deportability of migrant individuals. Unannounced deportations are thus a technology of citizenship, establishing 'deportation as a practice that reaffirms the formal and normative boundaries of membership' (Anderson, Gibney, and Paoletti 2011, 548). Compared to general deportation procedures, the inherent obscurity of the 'non-announcement' increases the invisibility of those deemed not-belonging, affirming the state's power to 'make them disappear' (see also Walters 2016). This practice has increased after the alleged 'migration crisis', also brining up political controversy. In Germany non-disclosure is enshrined in law (German Residence Act (AufenthG) Chapter 5, Section 2, § 59; El Moussaoui 2015), pushing state actors to hide deportation dates. In Sweden and Switzerland the practice is established as 'last action' if prior deportation attempts have failed and increased drastically since 2016 (Öhman 2018). Consequently, this work underlines the necessity to study bureaucratic legitimation work, adding to prior work on deportation practices and their effects on migrant individuals (Hasselberg 2016; Suárez-Krabbe, Lindberg, and Arce 2018) as well as work on politically contested networks of actors (Ellermann 2009). The focus on SLBs rather than the experiences of deportation procedures by migrant individuals (Galvin 2015) traces policy 'implementation that strikes at the heart of the reality of illegal immigration' (Ellermann 2009, 122). The study further deconstructs the underlying power relations of migration enforcement

and brings forward different ways SLBs legitimize fulfilling their mandate, embedded in political and legal discourse.

This work uses ethnographic material collected in Sweden, Switzerland and Germany between 2015 and 2017 to disclose often hidden practices of deportation (cf. Brodtkin 2011; Dodge 2017). It includes interviews with (border) police officers and migration-office case workers, as well as participant observations inside those offices, which are tasked with the organisation and implementation of deportation.

After a brief methodological outline on the places of fieldwork and data analysis, the article briefly summarises (unannounced) deportation procedures, including an outline on each country case. This outline is embedded in a theoretical discussion of deportation research relating to street-level bureaucracy. The analytical section presents three key findings: First, it analyses how SLBs legitimize the rupturing practice of unannounced deportations as caused by the non-belonging and noncompliance of deportable subjects, reasoning that individuals have brought this action upon themselves. This framing justifies harsher practices and places agency and thus responsibility onto migrants with precarious legal status. Second, unannounced deportation is framed as humane action and for migrants' own good, ending their anticipated failures to be able to regularise their stay. Third, legitimation also arises through a much more mundane and banal framing: Deportation is an institutionalised and normalised practice that also includes a significant element of pragmatism and law-obedience on side of SLBs, who are expected to implement their orders. Keeping deportation dates hidden, though, not only increases uncertainty for migrant subjects but keeps deportees in a state of not-knowing, something which I have argued is a systemic effect and intentional strategy of the migration regime and which I discuss in the conclusion (Borrelli 2018).

Methodology

In Germany, deportations are planned by the *Landespolizei* (police in each of the 16 federal states) and the migration office. The flights are organised and implemented by the *Bundespolizei* (Federal Police, operating nationally). In Sweden, both the Swedish Migration Agency (SMA) and the border police can make decisions on detention and deportation. In some cases, the SMA can hand over cases to the police if they deem it necessary to use police powers for the deportation enforcement, while the National Transportation Unit of the Swedish Prison and Probation Service (*Kriminalvården*) usually implements the deportation itself, eventually with help of the border police as a negotiating partner. In Switzerland, like Germany a federal state, the organisation of deportations lies in the hands of each canton. It is mostly the cantonal police offices that implement deportation procedures, receiving their cases by migration offices, which usually organise all the technicalities of deportations with support of the State Secretariat for Migration (SEM), but do not necessarily follow deportees on their journeys.

Fieldwork was conducted between 2015 and 2017 and includes the following:

Sweden:

- Four months of participant observation in a Swedish Regional Border Police Unit and 15 semi-structured interviews (with police officers, unit heads and legally trained officers making legal decisions on detention)

- Five semi-structured interviews with (former) staff and unit heads of the National Transport Unit, which is tasked with deportation flights
- Ten semi-structured interviews and five days of participant observation with officers of two other Regional Border Police Units

Switzerland

- Four months of participant observation, mostly following the unit 'asylum and return' in a cantonal migration office, which was tasked with the organisation of 'voluntary' return or deportation flights
- Six weeks of participant observation in a Swiss Cantonal Police Unit organising and implementing deportations

Germany

- Three weeks of participant observation in one *Landespolizei* and 12 interviews with related actors
- Nine semi-structured interviews, including with a medical practitioner on the ability of deportees to travel, two officials of the *Bundespolizei*, the Federal Office for Migration and Refugees, local reception centres, and the State Office for Migration and Refugees

The analysis of street-level framings of SLBs' practices allows to relate back to state-driven practices and policies on a macro-level, showing how policies and laws play out in real life (Brodkin 2011). The case selection was based on the idea of following more to less restrictive countries with respect to their migration policies towards groups depicted as illegal in the territory (Switzerland being chosen as more restrictive, Germany as somewhat in between and Sweden as more 'welcoming'; Eule et al. 2019; see also Leerkes and Van Houte 2020). A data confidentiality agreement was signed with each institution, and SLBs were free to decide to include me in their daily activities (Borrelli 2020). In contrast, not all 'deportees' were asked for their consent regarding my presence, since participant observation included SLBs internal exchanges, reflections shared with me as a researcher, but also at times ad hoc encounters between SLBs and migrant individuals. Hence, while I wanted to gain a comprehensive understanding of bureaucratic internal structures through participant observation, thus taking part in social interactions over a prolonged period of time, hidden deportation practices became part of my observation, causing moral tensions for me as researcher (discussed in Borrelli 2020). Yet, being able to trace SLBs meaning-making in specific contexts and follow them in their work also meant that I had to obey the signed agreement and safeguard them as participants of my study, despite the hierarchical differences in power existing vis-à-vis respective deportees.

This work acknowledges the multiple differences in the organisational, political and legal structures of all cases (even within each country). Despite those differences, unannounced deportations are used in each case (in Germany even legally framed) as regular police practice and a last resort to enforce deportation orders. All three cases were analysed separately and compared in a second step. Unannounced deportation emerged as a shared practices and a deeper focus on the selected passages allowed for similar framings

and practices to come forward (Saz-Carranza and Ospina 2010). Descriptions that offer particular detail will have no geographical indication in order to ensure the greatest possible anonymity. Interlocutors are named with capital letters, not indicating gender, ethnicity or age.

Unannounced Deportations – Legal Practices and Theoretical Conceptualisation

Throughout all three countries' cases, SLBs acknowledge the deportation gap, which describes the gap between negative decisions (those who have to leave) and the actual ability to implement deportations of those who are 'unwanted' (Gibney 2008; Rosenberger and Küffner 2016). Due not only to the agency of migrant individuals but also to political obstacles, which hinder deportation procedures to certain countries (fieldnotes; see also Leerkes and Van Houte 2020), SLBs in Switzerland and Sweden face similar issues to those of the German police officer in the introductory field note, who reflected on the inability to detect and deport individuals.

SLBs' irritation from migrants' contestations is to some extent explained by case workers' and officers' understanding of themselves as 'the end of the line' within migration enforcement. They hold that individuals have little chance of staying, since those who become 'deportable' have – according to SLBs – gone through the entire system and made use of every opportunity to have their cases reopened and reassessed. Their rejection of a voluntary return makes them eligible for deportation, a step-wise model of force that involves (1) taking an unaccompanied flight on a regular charter, (2) being accompanied to the airport (or directly to the plane) but flying alone, (3) being accompanied on a flight with several possibilities of body cuffs or deportee incapacitation or (4) being placed on a special flight, organised only for the sake of deportation.

Throughout these four scenarios migrant individuals' resistance does cause frustration or irritation on the SLBs' side, because challenging behaviour is deemed counterproductive for the implementation of the SLBs' own mandate. Resistance is however also depicted by SLBs as counterproductive for the migrants themselves (see analysis below). In each country's context, a cat-and-mouse game of policy implementation and circumvention has therefore fuelled restrictive actions on the side of public administration (Fekete 2011; Rezzonico 2017) and caused an increase in drastic measures taken by respective deportees (McGregor 2011; Fischer 2015; Ugelvik 2016). One of these measures, which is less publicly discussed but supports SLBs to increase the number of successful deportation procedures, is the option to conceal deportation dates (within steps 2-4). This practice is used strategically and means that individuals can be apprehended from detention, reception centres, medical facilities or other housing without prior warning. Once those who have received a deportation order have been informed that they must leave the country, the date of the deportation is not necessarily disclosed, especially if a first deportation attempt was unsuccessful due to the deportee's resistance. Hidden deportations are thus deemed to increase efficiency, shorten the time of procedures and preclude resistance from deportees and their communities/activists (fieldnotes; Gill 2009a; Griffiths 2014).

In Germany, a '[n]otice of intention to deport a foreigner [...] may be waived altogether if, in individual cases, it is vital to safeguard overriding public interests, in

particular where 1. a well-founded suspicion exists that the foreigner intends to evade deportation, or 2. the foreigner poses a serious danger to public safety or order ...' (translation provided by the Language Service of the Federal Ministry of the Interior; Paragraph 59 Section 1, German Residence Act 2020). This provision legally allows unannounced deportations under various circumstances and increased the power of SLBs concealing deportation after legal changes in 2015. Not announcing deportation dates is especially handy for regions where detention facilities are scarce. The Federal Court in Munich (13 T 1812/18) decided that if a state agency requesting detention is not willing or allowed to disclose the deportation date, detention cannot be allowed, because it is not possible to assess the length of detention or the requirement of rapid action (need of speed) without a known date. Other German federal states do not make use of detention (e.g. because of political reasons or the lack of nearby detention facilities) and thus legitimise unannounced deportations as the only option to remove migrants who refuse to leave (fieldwork 2017).

Switzerland and Sweden make use of the same practice, without such an explicit legal framework. In Switzerland, caseworkers need to hold a preparatory talk according to their internal regulations before the first deportation attempt (mostly unaccompanied). While the National Commission for the Prevention of Torture, an independent Swiss commission ensuring that deportees' rights are respected, asks that deportees generally be informed even if they have previously resisted leaving, it agrees to conduct unannounced practices in individual cases and to refrain from a second preparatory talk if a previous deportation attempt has been aborted. This is similar to the practice in Sweden, where noncompliance is also used as reason to prolong detention. In all three contexts the practice was mediated after 2015, since numbers of hidden procedures increased, responding to the alleged 'migration crisis' and to increasingly restrictive government positions towards irregularised migrants (El Moussaoui 2015; Öhman 2018).

Despite deportations not being the final step along the deportation corridor (Drotbohm and Hasselberg 2014; see also Ellis and Stam 2017), they are characterised by coercive governmental power (Gibney 2008), underlining the 'political precariousness' (Ellermann 2009, 122) of the practice itself. Unannounced deportations are thus the last resort on the coercive continuum when detention and previous deportation attempts have failed (field notes) to remove those whose 'formal legal status overrides all other forms of belonging' (Eckert 2011, 315). Deportation is thus part of a highly contested continuum of enforcement practices that infringe on human dignity and cause negative mental and physical reactions of migrants (Khosravi 2009; Bosworth 2011; Hasselberg 2016).

I thus argue that deportation practices operate with legitimacy deficits similar to detention work (Leerkes and Broeders 2010; Bosworth 2012; Ugelvik 2016), especially when the mere absence of citizenship, rather than a criminal conviction, allows for the disruptive practices (Bosworth 2012, 2011). SLBs need to respond to both external and internal critique, due to migration control being highly politicised. They need to legitimise their actions towards multiple actors, such as the public, but also themselves, despite that their work is deemed legally and procedurally correct (see Ugelvik 2016). As such, they contribute to the continuous legitimation work of governments (Smith 2009), at times similar to Sykes and Matza's neutralisation techniques (Sykes and Matza 1957). Yet, SLB narratives regarding the apprehension of migrants with precarious legal status at the border (Vega 2017), or their legitimation of asylum decisions (Affolter,

Miaz, and Poertner 2019), as well as their construction of a discourse on the notion of impartiality (cf. Johannesson 2018 on judicial workers in Swedish Migration Courts) are often linked to SLBs' need to find a personally acceptable way to do their job, as well as the belief that they are defending 'national interests' (Alpes and Spire 2014, 261). The detected framings not only support public authorities in their responses to anxieties over migration (Drotbohm and Hasselberg 2014) but also establish the non-belonging of certain groups based on their legal status (Walters 2002; Anderson, Gibney, and Paoletti 2011). As such, characteristics of the target population as well as their behaviours and noncompliant actions (Pinkowska 2017) influence SLB framings of legitimisation, as do discourses on humane practices and human rights (cf. Campesi 2015). Indeed, 'being designated illegal, migrants become constructed as having caused their own vulnerability [...] while the role of states, employers, and general publics in their circumstances becomes elided' (Luibhéid 2013, 2). The dichotomy between migration control, humanitarian government and self-representation does not only manifest in the interplay between increasingly restrictive migration policies and welcoming rhetoric by politicians in public (Campesi 2015; Barker 2018). Much as in the contexts of reception centres (Agier 2011; Harrell-Bond 2002) or border control (Walters 2010), SLBs frame their practices as humane and thus legitimate, but also as mundane consequence of unquestioned policies. In two detected framings, agency and thus responsibility are placed on migrant individuals, who at the same time are constructed according to the need of state agencies, who understand potential harm as caused not by the system in which they act but by the migrants themselves, acting as opponents hindering successful deportation. The third framing places responsibility for decision making and the determination of the right to stay onto prior state actors. As such, human rights become governmental tactics (Lind 2019) to present the state as a protector who is trying to reduce harm (Anderson 2012), selecting the deserving from those who are not.

Uncovering the Practice of Unannounced Deportations

The first two analytical sections study unannounced deportation practices, framed by SLBs in the light of migrants' noncompliance and their own humane approach of deportation procedures. The third section brings up pragmatism as an underlying legitimisation strategy, that characterises the migration regime. Pragmatism here refers to strategies that SLBs apply to implement deportation orders under difficult circumstances, with limited interest in the well-being of the deportee but a focus on 'doing the job' and following their mandate in the most convenient way.

Legitimising unannounced deportation as a reaction to 'noncompliance'

I participate in a meeting between the Swedish Border Police, a detainee and his lawyer about the prolongation of detention. Officer Z informs the participants on the progression of the case. A *laissez-passer* had been received, enabling the border police to deport the detainee. They received travel documents electronically and were now waiting for the confirmation of travel dates, which according to Z, would be received soon.

The detainee is surprised, since it is now possible to continue with the deportation preparations. 'How did this work? I did not have any documents.' Z simply replies: 'The

embassy has handed them out, after the two meetings you had with them. One does not need the original travel documents.’ When exiting the detention facility, the officer in charge tells me that the flight has been scheduled for tomorrow, but the detainee would not be informed, due to the last failed attempt to deport him. (Swedish Border Police 2017)

Within these preparatory meetings, exchanges are generally held short, information is reduced to a minimum, leaving migrant individuals baffled by the procedures. For Z and fellow officers, detainees’ prior noncompliant behaviour legitimises the decision to make use of unannounced deportations. Noncompliance here includes refusal to help in the production of travel documents. Across the three country contexts, this noncompliance triggers secretive proceedings, accompanied by SLBs’ satisfaction that a previously unsuccessful deportation attempt may now be turned to their advantage. The prior behaviour of deportees plays a crucial role in their decisions. During interviews and in exchanges between SLBs, they place responsibility for undisclosed deportation dates upon migrant individuals. Migrants are given a selective but specific agency, which makes them responsible for causing such extreme practices while it allows SLBs to further curtail the migrants’ ability to resist. As the introductory field note shows, SLBs struggle with leaking information that can cause the absconding of those targeted:

I revisit a Swiss Cantonal Police Unit and talk to two officers about different deportation practices. Officer W mentions: ‘We have the National Commission for the Prevention of Torture, who always criticise us, telling us that we have to tell people about the date. They tell us we have to inform them about the appointment beforehand.’ R, the leader of this unit, adds, ‘But we do not do that. He knows he has to leave. I mean, we tell him the first time, and then he gets a flight and rejects – I mean – the flight where he would be going by himself, unaccompanied. Then he gets a second flight with police escort on a regular flight and refuses to leave. In these two cases, we tell him about the date, but then not any longer. I mean, we tell him that he will leave, but not beforehand; otherwise, he would harm himself or smudge shit on himself. We tell him the very same day when he goes onto a special flight.’ (Swiss Cantonal Police Unit 2018)

Similarly, another officer explained,

They know that this is the last step. They were informed about what would happen and knew they had the chance to leave, but they did not. They know about the procedure; they just don’t know when we will come. (Swiss Cantonal Police Unit 2017; used in Eule et al. 2019, 169)

The noncompliance narrative links to government practices and strategies of domination and control (Pinkowska 2017). Acts of resistance to escape ‘the most awesome powers of the liberal state – expulsion’ (Ellermann 2010, 408) are often used as *reactions* to state practice, but SLBs, legal frameworks and policy makers turn *reactions* into *actions* and use noncompliance as a general argument for continued detention, framing deportees as troublemakers (field notes, Swedish Border Police 2017; see also the German Residence Act Chapter 5, Section 2, § 59 and 60a, section 5 after the changes in 2015 and 2016). Disruptive incidents, such as using excrement in various ways, are part of the SLBs’ daily work they must address. Instead of placing these acts along a continuum of negotiation practices in which they acknowledge their role in the encounters and SLBs’ effect on migrants, however, SLBs display migrants as independent actors who try to hinder deportation.

Following Inda (2006), framing migrants as fully responsible for their own fate shifts the responsibility for violent practices onto the migrant. SLBs construct a deportable

subject as noncompliant and fully knowledgeable actors (see also Anderson, Gibney, and Paoletti 2011). This allows SLBs to frame their own actions as reactions to their clients' behaviour. An unannounced deportation is then perceived as a necessary response to the anticipated aggressive and unpredictable behaviour of some detainees (see officers R and W). However, the spontaneity of unannounced deportations curtails migrants' agency in the most aggressive way because it reduces their ability to react and plan resistance.

One explanation for such framing lies in SLBs' dependency on 'the cooperation and compliance of clients' (Maynard-Moody and Musheno 2000, 352). Street-level practices lie within sites of negotiation (Mainwaring 2016), where SLBs and migrants both shape and contest practices. In unannounced deportations, however, state power is maximised, reducing the negotiation space. This reality is neglected by SLBs, who do not reflect on the amplified power imbalances. Instead, they (wilfully or not) frame unannounced deportations to their advantage and ascribe a very specific range of agency to migrant subjects while simultaneously reducing their own responsibility. Harsh practices are justified to gain the 'upper hand', and their argumentation rectifies a system in which migrants' room to contest the politics of mobility relate to deviance and disruptive behaviour. Hence, migrants' strategies to circumvent or delay deportations, including absconding or destroying documents, support the construction of 'migrants as victims or villains ignor[ing] how states create vulnerability' (Mainwaring 2016, 303; see also Anderson 2012):

An officer of a Swiss Cantonal Police Unit in charge of deportations describes a case in which a detainee 'had a flight but started a hunger strike as soon as he was in prison, and the doctor decided he is not fit to travel. His blood was too thick. And under this condition, the only option was to let him go. Otherwise, he would have only caused more expenses [staying in prison]. Recently, though, he was stopped in [Swiss city] for trespassing. Now we try to book a flight as quickly as possible.' They believe he will once again start a hunger strike. 'Until up to 20 days of hunger strike, you can still fly; then it is no longer possible. Now that he was found again and detained, the SEM is thrilled. They have immediately booked a flight, and we opted for a special flight straight away. When he asked what will happen, we told him that he would stay detained for about six weeks, and that we might fly in six weeks. But he was detained last week, and the flight is already in less than two weeks in order to stay below these 20 days, so his blood does not get too thick again. Of course, we do not tell him, otherwise he will start striking again. About two days before the flight, we will go and ask him about his luggage and tell him we will take care of it for his flight in some weeks ... But now he is healthy, has nothing. He also said this himself, but he refuses to sign anything. He is a sponger, it's as simple as that.' (field notes, Swiss Cantonal Police Unit 2017)

The othering of the detainee appears in the depiction of him as a 'sponger' whose strategic contestations hindered the deportation and caused the financial costs of detention. Migrants refusing to leave lose the privilege to receive further information because their presence is already perceived as unjustified. Their socio-legal exclusion supports the non-compliance framing because it creates a migrant subject undeserving of further help. The respective deportee becomes an opponent who must be waited out and whose behaviour must be counteracted. 'Time is up' means the individual has gambled away the chance to 'leave by themselves, as a normal passenger on a flight,' and 'he knows, he knows he has to leave.' The majority of SLBs assume this, believing that migrants are generally informed and knowledgeable of legal procedures.

This awareness is countered by unannounced deportations. They come as surprise to the migrant, but they involve much strategic planning on the SLBs' side. The officer above admitted being disappointed about letting the man go the first time, but officers often must wait out migrants, who will likely end up in another mobile control. This reflects the inequality between two groups of actors in the migration regime. Framing the deportee as misusing the system, living off it and strategically using the hunger strike to resist deportation, creates an image that justifies the planned unannounced removal towards external critique, but also towards oneself. Clearly, noncompliance functions as justification for deceiving the migrant, legitimising it (see also Inda 2006; Campesi 2015; Pinkowska 2017).

Legitimising Unannounced Deportation as a 'Humane Practice'

It is early morning, 06:00 o'clock. The streets are quiet, and the building is covered in the first rays of sunlight, but the rooms are dark, and few people are awake. We enter, walking through narrow corridors and up the stairs. Five men are dressed in uniform, wearing plastic goggles, head torches, and gloves while carrying handcuffs. Another man with keys for all the doors leads the way. In front of the door, the five men quickly arrange themselves in whisper; their positions and tasks are already distributed. Concentration and adrenaline are in the air. At a sign, the door opens, and four men burst into the room. A short, high screech is heard, and then one man explains who they are. The fifth walks in and explains what is happening. Today is the day of a special flight, a deportation. (field note, Swiss Cantonal Police 2017)

National policies often consider how to deport migrants in the best possible way, keeping costs low and ensuring successful, smooth deportations while also keeping the practices hidden from the public eye (Walters 2018). SLBs reflect on unannounced deportations, similarly, adding that a successful deportation also means no one gets hurt. Officer R quickly mentions that they will not tell a migrant the date, because 'otherwise he would harm himself.' Here, noncompliance aligns with a humane framing, in which not announcing the deportation date is done out of care. Reflecting on the respective deportees' stories and the years they have spent waiting and being rejected, SLBs often decide it would be better for the migrant to leave and start over. E, a caseworker at the Swedish Border Police, deals with a family (a mother with three children) facing deportation who have avoided it for several months already:

- E: 'Yes, you will not travel today, it takes time. But you should start to prepare yourself mentally. That is the best.'
- The mother replies: 'This is not the best.'
- E: 'Yes, it is, because if you get a different decision [a positive one in case they appeal successfully], then you can see that as a bonus.'
- [...]
- E tries to convince the family: 'There are people who are illegally in this country for ten years. But either way, they will need to go back home. It is better to go now than in ten years. Because then one has started to adapt. But yes, it is not easy.' (field notes, Swedish Border Police 2017; used in Eule et al. 2019, 1–2)

E implies that the 'home' to which the family belongs is based on their national identity and legal status and that even a social and civic integration after their long stay does not change their non-belonging. This general harm from migration enforcement is hidden behind individualised cases in which the respective deportees are placed in the position as the ones deciding about their fate. Again, responsibilities are shifted.

Some higher officials working for the German Federal Office for Migration and Refugees commented on 'welcoming' refugees during the 'summer of migration' (Buckel 2016), supporting the idea that 'it is good that Germany owns up to its humanitarian responsibilities' (interview, Federal Office for Migration and Refugees, 2017). However, this responsibility also includes deporting those not deemed to have the right to stay (field notes across country contexts; El Moussaoui 2015). SLBs must position themselves as law enforcers but also reflect on their practices, especially when cases seem 'unfair' or, as some officers put it, 'inhumane.' They know 'this job is about human fates' (field notes, Swedish Border Police 2017) and that their work affects the futures of migrants with precarious legal statuses.

Despite the contradiction of deportation being depicted as potentially humane, concerns about harm found in public debates about migration control (Anderson 2012) are one aspect SLBs consider when planning unannounced deportations. SLBs see the practice as beneficial for migrants because the sudden practice eliminates 'time in which they can think too much about what else to do' (field notes, Swiss Cantonal Migration Office 2016), including self-harm or suicide attempts. Besides labelling resistance strategies and uncooperative behaviour as non-compliant behaviour to legitimise unannounced removal, SLBs mostly use resistance through self-harm as a reason to argue that unannounced deportations are necessary and 'humane.' A quick procedure reduces the potential harm deportees can inflict on themselves. This paradoxical binary comes close to what Barker (2017, 2018) has termed 'benevolent violence.' This violence appears when seemingly benevolent goals are upheld with coercive means. Deportations are justified by upholding the rule of law (see also Achermann 2008) and by framing them as in the migrant's best interest. With no right to stay and no future in a country that rejects the asylum claim, bureaucrats might coerce detainees into leaving 'as if it were for their own good,' neglecting the 'often violent effects, disproportionately impacting the life chances of the most vulnerable and marginalised' (Barker 2018, 110). Instead, SLBs often name how much medication or financial aid a deportee received, as well as their accompanying medical staff, to make the procedure legitimate and construct their organisation as ethically conscious (see Ugelvik 2016).

However, officers sometimes struggle to uphold the narrative of unannounced deportations as a humane way to remove resisting individuals, especially because some migrants might not even be aware of their resistance:

GT, a caseworker in a Swiss Cantonal Migration Office, reflects on the transportability of an old, demented woman in need of medication who is believed to wear diapers. 'According to the medical staff checking her transportability, this does not make her unfit to travel. We need to get her out somehow, but to leave this woman alone at the airport at 04:00 in the morning ... either I will take her there or a medical transport unit will. It would be a bit inhumane otherwise, because there is no train connection that early. My superior does not want me to drive, but who will take the responsibility?' (field notes, Swiss Cantonal Migration Office 2016)

GT explains that he was not even sure if the woman understood what would happen to her after her asylum claim was rejected, yet does not question the rightfulness of the removal decision per se. After missing the first voluntary flight, she now faces an unannounced removal, being deemed fit to fly. GT still frames the planning of her deportation in terms of benevolent behaviour; he is not obliged to take care of her transportation to the airport. Indeed, like many other officers, he validates the procedure as humane:

I am in charge of ensuring that the person goes on that flight, but the whole thing needs to be humane. I want the case to be planned from A to Z, until she is picked up at the arrival airport; then, the case is closed. (field notes, Swiss Cantonal Migration office, 2016)

To many SLBs, a humane practice means a dignified one. Officers mention trying to let people pack their own clothes and walk by themselves, without cuffing them or carrying them into the car and airplane. They also allow a last cigarette before the flight. The non-compliance rhetoric is strongly connected to the migrant's behaviour, just as the humane legitimisation is linked to the SLBs' practices and conduct.

SLBs often mention disturbing things they have witnessed when communicating deportation orders to clients. Rather than finding the entire deportation inhumane, however, the caseworker narrowly criticises the implementation, which lacks proper planning. Being humane still establishes the deportee as nonbelonging, while establishing relevance to their own work. This professional view is shared by other actors who work with the officers, such as medical staff in psychiatry and hospitals from which migrants are picked up:

Cooperation must happen in 'a humane way,' says M, 'I also think it is horrible when someone is picked up, sometimes even with handcuffs.' Upon further inquiry about what 'humane' means, M answers: 'The pickup should be done in a humane way. Partly, [the officers] come in the morning so that the other patients do not realise it. It would not be good, in psychiatry, if the police take someone. But it is not visible. The staff is informed. They know the procedure.' (interview with an administrative secretary, Swiss hospital 2017)

This framing raises a question: For whom is this practice humane? In these accounts, it is less the migrant's safety and health than the prevention of potentially disrupting events that keeps SLBs from telling clients about important dates. Here, the unannounced early pickup functions as a state's control strategy to ensure that other patients do not become witnesses. The humane framing generates an ironic switch – those who have been labelled undeserving of defense are depicted as the ones receiving humane treatment while being deported. To the SLBs, their practices heavily intertwine with responsibility ethics; something that shows the strength of their perception and legitimises the practices and embeds them deeper into the everyday life of public administration and migration enforcement. This enables staff to overlook the underlying violence of deportations, focusing on bureaucratic efficiency and the reduction of visible physical harm. As such, using humanitarian language downplays the pains of detention and deportation.

Legitimising unannounced deportation as pragmatic abidance

Framing certain procedures as humane and as a result of migrants' noncompliant behaviour has several functions. First, legitimisation processes allow the construction of common sense. Second, they deny migrants to be victims and place entire responsibility

for their actions onto them (cf. Sykes and Matza 1957). Third, SLBs can create strategies to reply to public tensions and to find ways to either cope with or resist them (Lipsky 2010; Tummers et al. 2015; Borrelli and Lindberg 2018). Fourth, framing unannounced deportations in a positive light allows interlocutors to create a positive self-perception about their job and about highly politicised practices that are critically debated regarding their morality (Davis 1984). Indeed, legitimising actual deportation practices also functions as self-legitimation. A German police officer explained: ‘One has to be able to look at one’s self in the mirror’ (field note 2017). The framings disclose a binary between unease and a more mundane necessity to implement deportation orders. Hence, legitimation strategies also include pragmatism that allows SLBs to implement ‘law and order’ and to understand their work (Tummers et al. 2015; Eule et al. 2019). As some Swedish officer puts it, ‘we are just doing our job’ (field notes, Sweden, 2017). Dawn raids (see field note), for example, have been organised to exploit an element of surprise (Gill 2009b; cf. Burnett 2008) and reduce potential disobedience (Maynard-Moody and Musheno 2000; Tummers et al. 2015). They are efficient because SLBs do not have to clean detainees who have covered themselves in excrement (field notes, Switzerland 2016–2017). They are easy because they do not have to witness yet another emotional encounter with migrants about to be removed. They are mostly smooth because migrants do not see it coming. In the German Federal State, unannounced deportations occur out of necessity because there is no detention facility, and regulations allow migrants to be kept in the dark about the date (field notes, Germany 2017).

SLBs try to reduce tension and anger and contain aggressive emotions. Keeping people calm is expected by upper hierarchical levels to facilitate deportations, and it makes the street-level workers work life and – in their view – the migrants’ lives bearable. As such, SLBs ‘are therefore called to normalise the violence that the deportation machine exercises, trying to convince migrants that an uncooperative attitude can only worsen their position’ (Campesi 2015, 443).

Still, the artificially created calmness and tranquility works only for a short time because migrants with precarious legal statuses face constant uncertainty. Maintaining such calmness is alluring but cannot diffuse the traumatic experience that sudden seizure deportations induce (see Gill 2009b). Neither can it reduce migrants’ reaction fully because displayed resistance strategies are acts of desperation, happening in moments where ‘the individual has lost all claims against the state and thus has little to fear from defying its orders’ (Ellermann 2010, 410).

Because a broad range of actions are interpreted as deviant and thus characterised as noncompliant behaviour, migrants cannot foresee what actions will lead to what outcome, limiting their agency and making them violently confront a *fait accompli*. In contrast to the disruptive moment of deportation, the time waiting for it includes the feeling of an imminent but intangible threat that contributes to insecurity, uncertainty and instability (observations during fieldwork). The deportee might know about the asylum claim’s rejection but withholding the precise date of the removal links to the knowledge gap between enforcement agency and deportee, which is used as a governance strategy. Being kept ignorant deprives individuals ‘of choices in a systematic way,’ (Garver 1968, 265) and this discloses the exclusionary way of governance the respective countries practice. This strategic denial places migrants facing unannounced deportation at the margins of the ‘citizenship continuum’ because their removal makes them the ‘very

opposite,' which is a group with no rights besides those within international frameworks. This group is excluded from the specter of those belonging to the nation-state.

The situation is protracted. While collected data show some bureaucrats clearly worry about the potential harm clients can afflict on themselves, other stories show the more egotistic and strategic use of not announcing deportations that is grounded in implementation without delay, to get a job done. There was little reflection on the situation that deportees face post return, instead stories circulated about how easily people were able to re-enter, starting the deportation process once again. Self-evidently, SLBs prefer deportations that happen without complications. SLBs use experiences and stories for self-legitimation. At the same time, legitimation strategies are told and retold, reproducing and maintaining the system. Sensationalised stories convey ideas of danger and suspicion to the next line of SLBs. The need for unannounced deportations is repeatedly asserted via stories of violent, obstructive and disobedient migrants, who still remain on the losing end of these stories.

Conclusion

Studying deportation is particularly interesting as bureaucrats are confronted with deportees deemed undeserving of protection but who cannot be entirely neglected due to (inter)national laws, policies and regulations and due to society's moral constructions. This work shows how SLBs follow a remorseless persecution of the other (Walters 2002) as part of a bureaucratic system (Bevir and Rhodes 2010) that on a macro-level balances various imperatives to gain legitimacy (Boswell 2007). Prior works have highlighted how SLBs attempt to avoid public scrutiny when implementing controversial deportation orders (Ellermann 2009), legitimising their work making use of various framings (Sykes and Matza 1957; Ugelvik 2016), influenced by professional ideologies, norms or organisational contexts. I discussed SLB work in context of unannounced deportations to broaden our understanding of legitimation strategies and to establish an analytical link regarding how seemingly mundane street-level practices are embedded in a broader context of political and legal discourses. While 'in liberal polities order [...] rests on voluntary compliance' and 'state power reaches an impasse where the state can no longer offer meaningful incentives to secure compliance' (Ellermann 2010, 425), the presented material shows how states' migration enforcement agencies operate under different premises.

SLBs help overcome the otherwise self-imposed ties of so-called liberal states (Joppke 1998) and thus the legitimacy deficit. Physical force may be used against non-citizens to deprive them of their freedom. In all country cases, a similar discourse prevails regarding otherwise contested practices, partly due to SLB's individual, and collective defense of their work (Ashforth and Kreiner 1999), partly because of restrictive European migration laws and policies. Although Anderson (2012) argued that immigration enforcement has been framed by governments as harm prevention, the presented street-level perspective expands the policy analysis and offers insight into daily implementation and into the rhetoric that officers and caseworkers use. The data add the framing of noncompliance, but also the pragmatic narrative that accompanies daily practices. As argued, the humane narrative establishes SLBs as acting according to a legitimate framework in which decent procedures are used to fulfil policy goals, while the noncompliance frame adds nuance.

Here, the focus is redirected toward the deportees, who have – according to SLBs – used up all their chances. At the same time, deportees’ agency is seen as high due to their ability to hinder or postpone deportation.

All three narratives uncover how legitimation strategies reproduce a narrative of the undeserving and contesting migrant who does not belong and how the governmental practice of not announcing deportations feeds into a strategic disadvantaging of migrant individuals, increasing uncertainty. SLBs support the construction of an ‘us versus them’ binary that is also visible on a legal and policy level, in which they position themselves as mere reactors to migrants’ strategies of resistance to create a starkly unbalanced picture – one where migrants resemble powerful actors going against ‘the law’ (a law that simultaneously excludes them from the national society). Studying SLBs’ framings offers a chance to disentangle this distortion and unveil the unequal power relation between bureaucrats and migrants. Individuals without legal status possess little power, despite their ability to constrain sovereignty, because their resistance comes at a high price (see also Ellermann 2010).

Finally, this work highlights the need to study SLB practices and the ways how they try to bring their mandates into practice, including their reactions to resistance and their understanding of their work. One further perspective could bring in the entangled relation of SLBs and civil society contestation deportation procedures and SLBs strategies to curtail such mobilisations. Given that legitimacy is a rather ‘dynamically constructed composite structure’ (Ugelvik 2016, 228f.), further elaboration seems necessary.

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