

Caught between emotions, law and everyday practices: Street-level bureaucrats in the European migration regime

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Lisa Marie Borrelli
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Caught between emotions, law and everyday practices: Street-level bureaucrats in the European migration regime

A dissertation presented by Lisa Marie Borrelli

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Institute of Sociology, Bern University, Fabrikstrasse 8, 3012 Bern, Switzerland

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Dissertation reviewer:

Prof. Christian Joppke

Prof. Greg Feldman

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Clouds beyond clouds above me,
Wastes beyond wastes below;
But nothing drear can move me;
I will not, cannot go.

(Emily Brontë 1818-1848; Excerpt of 'The night is darkening round me'
Source: Gezari, Janet (ed.) 2007. Last Things. Emily Brontë's Poems. Oxford: Oxford
University Press)

Acknowledgements

I have long had the idea in my mind to pursue a PhD, simply because I felt a deep interest in delving into one topic of research and not get out of it for a while; to be able to grasp a topic fully; to be able to really get to the core of something. Then I chose to study ‘migration’, more specifically said state-agencies and the people working within them and their positioning towards their daily tasks. Suddenly the ‘delving into’ became a passionate interest to understand a much larger topic than one could study in the short time of a PhD, at times though also a struggle to get out of this vast pool of interesting topics.

When starting my fieldwork in 2015, I quickly had to learn that accessing ‘the state’, especially in times of heated debates around migration, was not at all an easy endeavour. Though not much to my surprise, several obstacles were put in front of me and thus also between my dissertation project and me. Only the rejections (and reasons behind them) would make up for an own book, through which one could study the complex, compound and at times mysterious ‘state’ and foremost individuals working within it. However, in this thesis I would like to keep the focus on street-level bureaucrats, the frontline staff of the migration regime, their positions, values, ideas and practices. While pursuing this goal, I not only have encountered obstacles, but also kind help and support – something, which I want to highlight in this part. However, before thanking all people involved in helping me, I want to apologize if my words cannot convey my deepest gratitude as much as I would want them to be able to. Really grasping the essential support is difficult and I hope that anyone who is part of my life feels included in the general ‘thank you’, which I want to contextualise. Thus, I apologize in case I did not name you – be aware that you were in my thoughts.

I have to start with thanking each and every migration official, border guard, caseworker, police officer, and in general all of the people who have made my research possible. My thanks go especially to the street-level bureaucrats, who welcomed me into their offices (sometimes despite an official permission), police cars, detention centres and other spaces and who facilitated my field research. They are the ones who answered my surely often bothering questions and who made it their task to explain as much as they can, regarding their work, their feelings and the general surroundings of their workplace. I remain indebted to all my interlocutors who of course cannot be named, but to whom I want to say: Thank you. Thanks to all the ‘Moomin Pappas’, and a great thanks to all interlocutors in Italy, Switzerland, Germany, Sweden, Lithuania and Latvia, who have shared experiences, stories, lunch breaks, but also woe and gaiety.

Of course, in order to delve into such fieldwork, one has to get the opportunity to move around freely, following opportunities. Thus, I want to thank Christian Joppke for giving me a lot of freedoms and the ability to create my own research interests and to follow them as unhindered as possible. His critical comments were always appreciated and I am grateful for the possibility to ‘go out into the world’ and find my own ways.

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Most importantly, I want to thank Sonja, Vera, Mirjam, Carolina and her mother Cecilia, and all the people who gave me shelter during the numerous months of fieldwork during which I actually was to a great extent ‘homeless’. Besides a cosy bed, you all supported me with your company, a friendly ear and numerous adventures keeping me confident about my work, but also distracting me in moments, where it was urgently needed. Vera, I hope that our fun times, frustrated PhD talks and adventures will never come to an end – I am sure there are new obstacles to master.

Overall, I want to thank all of my friends who have been trying to keep up with my life (and its pace), creating calendars in order to track my always-changing geographical position. Becca and Stella took on the task of proofreading my writing and without whom it would not have been possible to publish the presented articles. They gave me crucial support and deserve special thanks: Thank you for taking an interest – also in the topics I wrote about - your optimistic comments and the thorough editing. I am literally indebted to you for life. Then there is Annika, who not only was up for reading, commenting and proofreading whatever I wrote – no matter how messy or unclear. I am grateful to have found someone who seems to always understand what I want to say, no matter how twisted it is presented. I am still puzzled by the great luck to not only have found an amazing colleague who made my PhD-journey so much more pleasurable, but also such a dear friend throughout and beyond work.

Finally, I want to thank my family, Helga, Brigitte and Vincenzo, on which I could and can rely on at any time and who have been there all along, enduring my frustrations, helping with all the logistics and supporting me with unquestioned enthusiasm - no matter how demanding I might have been. That said I hope you all enjoy reading the outcome of your support.

List of abbreviations

BAMF - Federal Office for Migration and Refugees (in Germany)

FRC - Foreigner Registration (and detention) Centre

OCMA - Office of Citizenship and Migration Affairs (in Latvia)

SEM - State Secretariat for Migration (in Switzerland)

SMA - Swedish Migration Agency

LAF - State Office for Refugee Matters (in one German Federal State)

Preface

I am on my way from Mérida (Mexico) to London (UK), taking flights via Houston (U.S.) and Toronto. In Toronto I switch airlines and thus have to exit to arrivals in order to pick up my luggage to re-check it. I have a visa still valid from my last visit and have filled out the general customs sheet, indicating how long I will stay, where I am travelling to and from, and what goods I bring along. At the front desk (first line), where border police officers control the arrivals, the officer remarks on my very short stay (1 day – since it was impossible to indicate it will rather be 2 hours). I briefly explain that I am transiting. She quickly stamps my customs form and passport, sending me further. However, after I smoothly went through, I fail to navigate my way to baggage claim and realize that I cannot find any other passengers to follow, leaving me with two officers standing around, whom I could ask. They wave me closer to them and I ask if they want to check my hand luggage, confused since they do not say anything. They wave me further and I end up in an office with more desks, while waiting in line. My confusion grows, when I realize that this is not the default path to go through and after I hear one client-officer interaction (the officer blatantly explaining: ‘You are in the wrong place, this is Immigration. You are wasting my time’). I am obviously also at the wrong place.

Why have I been sent here? A second interaction involves an officer briefly asking: ‘Asylum – yes or no?’ The client feels offended and responds in broken English that he is not a ‘gypsy’ and does not want to be assumed as one, after which the officer roughly replies: ‘Your people come here often to ask for asylum. So that is why we ask.’ A colleague tells the officer to simply call a translator and stop bothering to ask more questions. By now I am at unease that I also will be scolded for coming to the ‘wrong place’ and wasting the officers’ time. However, when it is my turn, I briefly explain the situation – that I am transiting and that I was sent here, not knowing where I was – and the officer smiles, also expressing his confusion why I was to Immigration. ‘Well’, he says, ‘now that you are here I might as well ask you some questions.’ After asking me whether I have family in Canada (No), if I have been here before (Yes), whether I liked it (Yes) and want to come back (Yes), we discuss my research, as he sees my research visit at UCLA. He is immediately interested, asks if I already have some results, suggests that I should watch a British TV show called ‘Customs’ and wishes me a nice day. (Field notes on own experiences at an airport, 2018)

The above-described experience happened several months after my field research. I want to start with this field note in order to introduce the reader to one of many different everyday experiences people have when attempting to cross borders and entering another country, when they are controlled on the streets, racially profiled and asked for their reasons to be on the territory. Being much more aware of border crossings, the presence of police officers and border guards, and to a greater extent familiar with their work due to my fieldwork, I found this anecdote of relevance to start my analysis. Though I was certainly not in a similar position – leaving the visit at the migration office with a friendly encounter and TV-series suggestion – the entire scenario paints what I otherwise observed daily during my field research. At first and on a very banal level, it is confusion, which often characterises street-level encounters between migrants and street-level bureaucrats, partly due to language barriers, a lack of understanding regarding the procedures (also on side of the bureaucrat), or the way information is communicated. My observation and own experiences capture – though very marginally – the several possible outcomes public administrative encounters can have. While I end up being sent away with a smile, the man assumed to be a ‘gypsy’ will eventually leave the office having asked for asylum or – as in other cases – be detained. Second, the field note gives a glimpse into how documentary practices and the bureaucrat’s task to investigate, attempt to reinstate control and legibility of the state and its procedures, while showing how quick these practices can be rendered illegible in bureaucrat-migrant encounters. Finally, it points towards the potentially violent encounters, which do not only place migrants in a precarious position, circumscribing their agency, but also highlight what Eule et al. (forthcoming) have coined ‘spaces of asymmetric negotiation’. In these spaces, state control and practices are negotiated, between bureaucrats and irregularised migrants, between the ‘structure and agency’. It is those moments of street-level encounter that are able to grasp spaces of contestation and implementation, where migration policies become real and manifest through the procedures of bureaucrats and the bureaucrat-migrant encounters.

1. Introduction – Situating the research in times of ‘crisis’

“There’s a lot of misinformation going on about the law; but I also think that this is to be expected because there’s what the law is, and there’s how it is being implemented; and those don’t necessarily overlap.” (Barsky 2016, 1)

Since 2015, Europe has taken different kinds of political approaches towards migration, partly due to the fact that the numbers of individuals arriving has massively increased; a rise which has been caused, in part, by the visible permeability of borders. The media’s presentation of migration causing a state of ‘crisis’ has further intensified the situation for officials on several levels. While the European Union is in search of coordination and coalitions (see the EU-Turkey agreement) as well as possibilities for tighter border controls, resulting in a serious reframing of the European Union and the Schengen system as such, these new hurdles particularly affect irregularised¹ migrants, whether they are on their way to Europe, or already residing in the Schengen Area. Hence, since 2015, irregularised migration has been an omnipresent issue in European politics, challenging the state’s regulatory power (Willen 2007; Ellermann 2009). Being an emerging topic and with the latest mediatisation of ‘Europe in crisis’, it remains on the political agenda on national, as well as European level (and beyond). Especially since an increasingly restrictive turn can be found within Europe (cf. Barker 2018 on Sweden). This turn is not only visible in an increase of policies limiting humanitarian reasons for asylum, introducing finite residence permits for those granted refugee status (see Sweden) or limiting family reunification to spouses or joint minor children (see Germany). It is also visible, as Ellermann (2009) and Campesi (2014) show, in the amount national and also supranational (e.g. Frontex) budgets increased over the past decades for the improvement of border technologies, surveillance (Maguire, Frois, and Zurawski 2014) and the removal of rejected migrants (Crouch 2016). It has been argued that the harmonization of the EU has enabled more ‘welcoming’ and less restrictive countries to follow their neighbours, decreasing support and legal avenues for a permanent residence (Appelkvist and Zettervall 2008). Framing migration in the context of criminality (Abiri 2000; Lahav 2003) has caused alleged humanitarian states, such as Sweden, to raise the bar and to further exclude undesired ‘others’ (Barker 2017b, 2018). Policies have increased the focus on deportation and limited discretion in granting asylum to the minimal standards of the Geneva Convention for Refugees. Since the

¹ The term *irregularised* will be further explained on page 33. It is generally used to demarcate the legal and thus constructed irregularisation of migrant subjects. They are made illegal and irregular due to policies and black letter law and are not per se subjects with irregular status.

border closure with Denmark, Sweden has conducted more identity controls than any other Schengen Member state (Barker 2018). Latvian border guards walk around the streets, looking for foreigners working illegally, and they carefully watch the borderlands between their territory and Russia, including the internal borders between Latvia and Poland, experiencing new mobilities and ways of trying to cross the country (Field notes 2016).

In a time when nation-states try to rehabilitate their sovereignty by exercising power over immigrants and refugees (Sassen 1995), it seems relevant to study the actual state actors, particularly executive forces such as the border guards and police units or caseworkers of migration offices in touch with irregular migration, in order to map the contested field of migration control. For example, (border) police officers are often embedded in a former military structure, and now have increasing administrative responsibilities, which were not deemed relevant or prestigious work in the past. New tasks regarding the management of migration challenge these long established perceptions and push officers to recreate sense in their everyday work. Migration office caseworkers reflected on the growing case files and chaotic situations they were facing, particularly around 2015 – though rather pointing out a crisis of logistics and belated reaction on political level, since the increase in numbers was steady (see Eule et al. forthcoming on the notion of crisis). Current organisational challenges, such as restructuring offices in a more business-like manner and following new public management tendencies towards individualisation, where individuals are entirely responsible for themselves (cf. Mutsaers 2015), pose further obstacles. In order to account for their work and their relation to colleagues, but also clients, I intend to uncover a much more mundane and banal functioning of state agencies, unconnected to the otherwise proclaimed situation of crisis. This does not mean that policies to restrict migration were not implemented to deter more people from arriving. This research started when the alleged crisis of migration was announced, and continued while the ‘crisis’ peaked and as numbers began to decrease. It coincided with a relevant number of policy changes, mostly ostracising ones, limiting access for third country nationals to enter Europe.

Moreover, I do not want to ignore the experiences of street-level bureaucrats describing their increased workload. Certainly, it is necessary to acknowledge the perception of many bureaucrats that their workload went beyond the doable and at times reached unknown spheres, but also that this constant flux is something deeply embedded in the institutions they work in. The collected reactions to this workload, as well as the changing policies, are something, which make up bureaucracies. The studied phenomena in the presented articles cannot be counted as a pure outcome of this ‘crisis’, reducing the findings to finite parts of the chaotic situation. Previously conducted work on street-level bureaucracy has already pointed out that it always inherits a certain range of disorder. Bureaucracies are characterised by a high level of changes,

on policy as well as on the organisational level, and are thus defined by the constant negotiations within the state, adjustments and transformation of social reality (Lipsky 2010; Scott 1998; Bevir and Rhodes 2010). Green (2015) argues that politics are defined by contingency, thus not predictable, rendering the outcome negotiable (cf. Massey 2008, 42). At times these policies expect officers to control, at times not (Heyman 2009); something which my interlocutors have pointed out several times, reflecting on political shifts and changing expectations of superiors and politicians. Consequently, they always leave the bureaucrat with certain ability and pressure to react and make sense of them – whether the numbers of arriving individuals are high or not. Often, these reactions and practices reinforce ‘existing lines of social inequality’ (Heyman 2009, 388).

The proposed interest in street-level bureaucracy and in particular the area of irregularised migration, including offices dealing with the detection, detention and deportation of migrants with little rights to stay, is motivated by several reasons. While most existing data on irregularised migration relies on uncertain statistics, there is ample need for an in-depth comparative ethnographic study on the discretionary practices that produce, manage, and negotiate conditions for irregular migration. Adopting such an approach, this project pushes forward the current understanding of street-level practices within an otherwise opaque field. It provides a bottom-up perspective on states’ migration policies in order to identify inadequate policies and practices to which officers quickly have to adapt, rearranging their implementation strategies using discretion (Lipsky 2010). It will further try to examine the steps of interpretation that street-level agents use, and their active negotiation between law and implementation in order to ‘maintain order’ as well as to fulfil their daily tasks (cf. Ellermann 2009). Besides Lipsky’s (2010) analysis of ‘street-level bureaucracy’, current works have underlined the austere circumstances under which state agents have to work (Barsky 2016; Bevir and Rhodes 2003, 2010; Bigo 2002; Bosworth 2014; Eule 2014a; Das and Poole 2004; G. Feldman 2016). Research on policy and how it affects the construction of individuals as subjects further highlights how individuals are categorized (Shore and Wright 1997). Heyman (2009) points out that several decision-making principles appear and often coexist. The sorting can include categories of nationality or class (and many more), out of which some are ‘embodied in law or policy [...] while others exist *only* in practice’ (Heyman 2009, 388). Thus, I want to closely examine when these divergences appear, when practices are embedded in law and when they are not (and for what reason).

While I do not want to deny that we find highly relevant works on street-level bureaucracy, both on theoretical level and through extensive ethnographies, there are still many areas, which need thorough analysis. We have yet to examine in more detail how structural factors and agency are intertwined in such a highly politicised and morally charged field of

migration. This work allows for a closer examination of the continuous structure-agency discourse, supporting and advancing poststructuralist criticism, adding a nuanced way to describe the co-constitutiveness of both, discussed in more detail below (see 1.2). Further, how their interplay create a system that is highly unpredictable in its outcomes not only for migrants, but also for bureaucrats (cf. Das 2004). Hence, looking at the street-level ‘helps to reveal socially constitutive processes at work in the contemporary world’ (Heyman 2009, 389).

This dissertation builds therefore on established work on street-level bureaucracies (cf. Lipsky 2010), following front-line staff in their daily work and during encounters with migrants with precarious legal status (or irregularised migrants). As Eule (2014a) found in his ethnographic study on German migration offices, this specific group is of particular interest, since procedures and decisions concerning them vary more than those for other categories of migrants (e.g. third country nationals studying or coming to the EU for work). I therefore want to advance our understanding of micro strategies within their organisational context and explore how bureaucrats make sense of and act within or against legal frameworks, how their actions are shaped by structures, while they at the same time influence those structures.

This doctoral dissertation consists of three published articles and a framework motivating them, exploring in more detail methodology and theory, and providing a critical discussion. The framework serves to embed the articles within a more theoretical discussion and highlights their main arguments, relating them to each other, as well as critically reflecting on potential future questions and research beyond the context of migration control. Before I dive deeper into the theoretical frame of this research, I want to briefly address some key aspects relevant for reading this work, including an introduction to the structure of this PhD, as well as a short note on the background of this study. I continue with a brief summary laying out the analytical core of this work: the three published articles, followed by a summary of key contributions, which I aspire to make.

1.1 Frame of this study

I started my work in mid-2014 with the initial plan to go into the field in the beginning of 2015. The original intention of the PhD project was to investigate how migration offices in Italy and Switzerland ‘work with’ irregularised migrants and process their cases (as part of the project ‘Contested Control at the Margins of the State - Government responses to irregular migration in the Schengen area’, funded by the Swiss National Science Foundation, Grant 153225), contributing with this data to further case studies conducted in Sweden and Germany. It quickly became obvious that access was a crucial factor not only delaying the intended research start date, but also forcing the entire team and thus also me to change the focus from studying

migration offices in two countries to a more open approach, including access negotiations with other state agencies working within the field of migration control and enforcement. Hence, the research interest opened up to all state agencies working with irregularised migrants, causing a less ‘clean cut’ country comparison. Instead it now allows to study enforcement strategies and practices of the street-level throughout agencies who detect, detain and deport migrations with precarious legal status. In addition, we had to change the countries of investigation and the depths of ethnographic research, as some of them didn’t provide access or only briefly. Through many different coincidences and months of bargaining with different state agencies in different countries, which I will explain further in the methodology chapter (section 3), now this research also includes border police and local police units working in the area of ‘irregular migration’.

However, what remained was the intention to analyse and discuss why and to what extent enforcement practices complement exclusionary and increasingly restrictive policies, and also how street-level bureaucrats shape policies on the ground level of public administration. The often theoretically and historically supported discussion on exclusionary practices of states (cf. Foucault 1977, 2008; Bigo 2005) needs further observation and data, since we often do not know much about street-level practices, though their relevance in decision-making and thus shaping legal outcomes is increasingly acknowledged (cf. Lipsky 2010; Eule 2014a; Eule, Loher, and Wyss 2017; Maynard-Moody, Musheno, and Palumbo 1990; Bevir and Rhodes 2010; Dubois 2016; Fassin 2013; de Certeau 1984; Zacka 2017). While looking at the street-level practices we do not only acknowledge the agency of front-line officials, but also that of migrants, who stand in interaction with those bureaucrats who try to detect, identify, detain and deport them and whose actions also shape the ‘migration apparatus’ (cf. G. Feldman 2012). Actors within the apparatus or regime make use of strategies, which in turn produce meaning in a highly contested field. Street-level bureaucrats might encounter potentially moral dilemmas at their workplace, which is characterised by strong emotions, ambiguous law and political pressure to implement ever-changing policies.

I will now briefly summarise the three, presented articles and explain my contribution to the study of street-level bureaucracy.

1) Borrelli, L. M. and Lindberg, A. (2018). ‘The creativity of coping: Alternative tales of moral dilemmas among migration control officers.’ *International Journal of Migration and Border Studies*, 4(3): 163-178. Doi: 10.1504/IJMBS.2018.10013558

The first article discusses coping and creative strategies of street-level bureaucrats, suggesting that often street-level agents do not perceive their wide range of discretion as actually enabling them to make decisions in the first place. However, they are much more creative, at times even

eccentric in their decision-making, trying to balance professional logics with their emotions. The article brings forward the relevance of analysing how agents explain, show and perceive their tasks. We study border police/guard units and migration offices in Lithuania, Latvia, Denmark, Sweden and Switzerland and highlight how ideas and perceptions of deservingness play a crucial role in street-level bureaucrats' conceptions of their work, as well as their action. They divide between those who 'abuse' the system and those they feel compassion for. This often leads them to act upon their own ideas and can cause a bureaucrat to step up and creatively make use of legal guidelines and policies to find ways to either 'get rid' of an unwanted migrant or help a family who seems distressed and worthy of support. A second reflection by bureaucrats of how practices should be implemented is based on more rational ideas of reasonable law enforcement. At times laws seemed exaggerated and harsh to the frontline staff, who, for instance, has to implement deportation orders for families or individuals who to them seemed reasonably integrated and thus deserving to stay. Here, we present the moral dilemma that street-level bureaucrats are at times caught in, and the helplessness they felt, when there was 'nothing more that could be done'. Finally, with regards to their everyday work, the article also reflects on agents' pragmatic position regarding policy implementation. Due to the increase of work, the growing caseloads and the broadening of tasks (see for example the moment where Sweden opened its borders to migrants), police officers and caseworkers were pushed to reinterpret professionalism in times of struggle. Our account underlines how they have to shift back and forth between conflicting interests and expectations. It further shows how state practices are much more emotional than the often-idealised image of law enforcement as being straightforward.

2) Borrelli, L. M. (forthcoming). ,The using and making of ignorance: Street-level bureaucrats and their strategies in the field of migration enforcement.' *Qualitative Studies*.

The second article focuses in more detail on a particular strategy or phenomenon termed ignorance. Data presented here derives from my fieldwork done in Sweden, Switzerland and Latvia. It examines how ignorance, including non-knowledge, blinding out or faceted knowledge and knowledge manipulation, is of crucial relevance when studying street-level practices and state structures in the migration regime. Compared to other administrative offices, police officials and migration officials make discretionary decisions that determine the entirety of the conditions the migrant with precarious legal status face (Eule 2014a).

This work argues that ignorance is structurally embedded in each state agency and that knowledge and information within its organisation can and are partly consciously manipulated by street-level bureaucrats, but also the irregularised migrant. At the same time, the street-level

officer can also make use of the ignorance inherently embedded in structures, allowing her further discretionary space and thus the ability to follow her own individual ideas. While this does not mean that the officer or caseworker acts against the organisational mandate, moments where the bureaucrat blinds out information or selectively informs a migrant with precarious legal status underlines the emotional, but also moralised nature of encounters. Both, the defined structural, as well as individual ignorance have an impact on the migrant subject, who partly depends on information and knowledge delivered to him or her by the bureaucrat. Thus, state-agents are capable of producing specific vulnerabilities through their practices (de Certeau 1984; Bosworth 2014; Barsky 2016). Not knowing increases uncertainty and stress for the migrant subject. Herzfeld (1992) tries to capture the heart of bureaucracy, based on the assumptions that the indifference of agents lies at the bottom of the bureaucratic apparatus. This article argues though that indifference is not the main reason why certain practices come into being, but rather knowledge and the ignorance of it. The article steps beyond previously studied reasons for uncertainty and argues that structural ignorance and individual ignorance of bureaucrats are much more intertwined. Both reinforce one another and thus increase uncertainty, as well as structural violence.

3) Borrelli, L. M. (2018). 'Whisper down, up and between the lane – Exclusionary policies and their limits of control in times of irregular migration.' *Public Administration*: 1-14. Doi: 10.1111/padm.12528

Actions aiming at a recovery of control over borders, migration flows and people reveal that current migration policies are incapable of mitigating the 'migration crisis'. This is due to several factors, particularly highlighted in this last contribution. After discussing the several empirical levels to studying limiting factors for state action and policy implementation, it focuses on a more internal 'malfunctioning' of state agencies, arguing that communication processes within state agencies, as well as between them, are a limiting factor for the successful implementation of policies. This work makes use of data collected in Switzerland and Sweden. Using the concept of 'whispering down the lanes' and expanding it by the whispering 'up and between' the lanes, it explores how information transmission is disabled by several factors. On one hand, there is a language barrier between often very abstract policies and the need for street-level bureaucrats to receive practical tools for implementation. There is a language barrier between upper and lower organisational structures. On the other hand, routines and traditions are not easy to break and street-level bureaucrats often hold on to the long-established ways of doing things. They have established pragmatic sets, which allow them to continue with their work, managing the expected outcomes, which at times seem very illegible. At the same time, officers and caseworkers feel that the gap is widening between the reality of their work and the

abstract quest to increase deportations. When it comes to communication between agencies, a major factor for information getting lost is the goal divergence and different levels of data protection raising barriers to communicate between agencies. The migration office often depicts itself as an agency helping the migrant, while police units have a keen interest on knowing who resides on the territory, as well as deporting the ones, which have received an expulsion order. These gaps in communication reproduce a system of illegible practices, which is in itself already very difficult to understand.

I want to underline that each of the articles – though related in the overall and general nature of the topic they address – should be considered as stand-alone works, rather than chapters. They did undergo thorough peer-review, revisions and the usual process of editing. Due the restricted word count and the length of such articles, they leave gaps in literature, though drawing on partly similar concepts and theories. They do not attempt to give an overall overview of the state of the art, which is done in the theoretical framework here, in order to highlight some commonalities of the three publications. The articles allow us more intense and detailed observations about particular strategies and practices encountered in the studied offices and thus resemble moments of ‘zooming in’.

Further, the articles only include ethnographic research from Denmark², Lithuania, Latvia, Sweden and Switzerland, though my field research also includes Italy and Germany. The reason for the choice of material will be presented in the method section (3).

1.2 Of street-level bureaucrats and the state

The studied frontline staff belong to an institutional setting, which often takes on a Weberian ideal-type perspective of bureaucracy (see Prokkola and Ridanpää 2015 on the rational idea of border control practices). Especially police officers mentioned at first, the importance of upholding and following the law as well as possible is paramount. At the same time, they have the ‘capacity to exercise [the state’s] powers of coercion’ (Ellermann 2009, 3) and thus the legitimate exercise of violence, which is according to Weber the sine qua non of the modern state (Weber, Gerth, and Mills 1946, 48; cf. Ellermann 2009). This ability to enforce policies, also with coercive measures, thus goes along with the idea of being the upholder of laws (and rights) and the need to do it in a rational way. However, the longer I spent in an office, the more I was able to see how practices needed to be adjusted, often pragmatically, and at times also

² This research was conducted by Annika Lindberg and the data will thus not be discussed further in this work.

guided by more moral and normative ideas (Shore and Wright 1997) in order to fulfil policy implementation. Further, this work argues that the bureaucratic setting analysed is not an autonomous actor, but embedded in a broader migration apparatus or migration regime, intertwined with other non-state actors and migrants, who all shape the regime with their (non)actions (cf. Heyman 2009). While bureaucracies are thus – in the old Weberian tradition - still the ones considered to bring ‘stability when state regimes change’, they are ‘also dramatically reshaped by changing conditions and circumstances of rule’ (I. Feldman 2008, 2). To understand the shaping and reshaping processes, we need to understand that bureaucrats are operating within a ‘decentralized apparatus of migration management composed of disparate migration policy agendas, generic regulatory mechanisms, and unconnected policy actors and policy "targets" [here migrants with precarious legal status]’ (G. Feldman 2012, 5). This apparatus is highly adaptable and materializes in the practices of street-level staff. It is a ‘device of population control and economic management composed of otherwise scattered elements’ (G. Feldman 2012, 2) and thus consists of a bricolage of different, bureaucratic actions, which nevertheless is able to create moments of collectivity despite its non-unity. Following a hegemonic logic, the apparatus creates different choices of action, which are often easily acceptable for the individual to follow. In order to go against this apparatus, the individual (here street-level bureaucrat) would need to invest much more, rendering their own lives more difficult (G. Feldman 2012, 17). Hence, the term ‘apparatus’ suits the presented research, as it focuses on the state and its actors. It highlights the major function of responding to urgency, representing public authority and power (Foucault 1977) and constitutes of institutions, laws, but also by public and scientific discourses (G. Feldman 2012, 15). Similarly, and often used interchangeable with the term apparatus (cf. Scheel 2017; G. Feldman 2012, 17) the work on the (European) migration regime, is helpful to make further sense of the state and its practices. Understanding migration control and enforcement as an apparatus or regime with many actors involved, ‘whose practices are not organised in terms of a central logic, but are multiply overdetermined’ (Papadopoulos, Stephenson, and Tsianos 2008, 164), supports the idea of a disaggregated or decentred state (cf. Slaughter 2004 on the disaggregated sovereignty; Tsianos and Karakayali 2010; Eule et al. forthcoming). This heterogeneity not only reflects the previously argued understanding of the state as non-unitary, but also allows for an understanding of individual factors, as well as the relationship between state and non-state actors and migrants involved in the making and shaping of politics, which play a relevant role in the formation of power. The term migration regime includes the grown set of rules and practices developed by countries in order to deal with the consequences of international mobility, the historicity, but also the international context (Sciortino 2004). As such, the term migration regime does not propose the notion of consistent planning, but highlights the general

turf and ever-changing political constellations of actors, who all aim for control, while at the same time this term allows for the constant questioning of the construction and production of the regime (Hess, Kasperek, and Schwertl 2018).

Hence, I acknowledge the interconnectedness of all actors, including bureaucrats, NGO-staff, volunteers and, foremost, migrants, who are part of the migration regime or apparatus. At the same time, the ‘multitude of actors whose practices relate to each other but without being ordered in the form of a central logic or rationality’ (Tsianos and Karakayali 2010, 375) are embedded within a structure, in which in certain moments they struggle to find a hegemonic logic which is suitable for them to apply. Hence, both terms allow me to follow a social constructivist approach, defining structure and agency as mutually constitutive (cf. Giddens 1979; Dahlvik 2017). As such, this work is deeply embedded in a poststructural logic, which shall be discussed below.

1.3 Structure, agency and its nuanced co-constitutiveness

Bureaucracies have structures, but are made up of individuals with their situated agency, thus are defined by ‘continuity and rupture, both stability and crisis’ (I. Feldman 2008, 2). Studying bureaucracies increases an understanding of how modern governments rule. Their relevance is brought forward by Hull (2012), who argues that they are an ‘independent political actor alongside the army, elected governments, and political parties’ (Hull 2012, 5). Also Ellerman (2009) places bureaucracies as crucial entity to study, because of the social control they exert. I will follow their suggestion and examine how social control and negotiations happen on the frontline, following previous studies (cf. Lipsky 2010; Maynard-Moody and Musheno 2003, 2000; Eule et al. forthcoming). It is the frontline officials, such as police officers, caseworkers in migration offices and border guards, who bring abstract text (policies and law) into practice and thus help law and policies to materialise. Hence, I am interested in examining ‘hands-on’ practices and reflections of those who are the last link between the powerful ‘state’s will’ and the ones who are affected by it. These often banal encounters, characterised by routine but also by violence, often happen in the marginal spaces of administrative offices. It is in these far-from-everyday-life meetings, where ‘local understandings of the state are produced and acted upon *even in the relative absence of the state*’ (Nielsen 2007, 695). That does not mean that the state, and thus guidelines and laws, are non-existent. Instead, the state comes into being by the situated agency of actors, who do not follow a work-to-rule procedure, but often actively adapt policies and shape them, in order to keep the system running. The three presented articles point out how specific strategies come into being and how the structure of the migration regime itself supports agency and thus allows for often very discretionary decisions on side of the

bureaucrats. Hence, I argue for understanding structure and agency as mutually depending on each other (Giddens 1979, 66), since structure can only survive through its enactment.

Generally, I broadly follow Giddens's (1979) understanding of structure as resources and rules - a system of norms. Here actors play a significant role, since they often reproduce structural flaws through their interaction and unintentionally reproduce social action. Structure is thus a supranational or national phenomenon (in order to not fall back to constraining it to national territories), including the state, or the bureaucratic apparatus, which has an influence on society and its operation (Giddens 1979). I suggest to understand the relation between structure and agency as one in motion and as a constant loop (cf. Berger and Luckmann 1991). While the street-level agents are situated in a structure of bureaucratic rules and guidelines, they are able to make use of other structures, which lie outside the here discussed administrative realm.

Agency is thus not an individualism, which stands in direct contrast to structure, but is instead situated – since the bureaucratic structure gives a range of possibilities to act upon and implement policies and law. Indeed, both structure and agency need to be seen in a dialectical way (Ortner 2006), where ‘practices of social actors "on the ground" and the big "structures" and "systems" [...] both constrain those practices and yet are ultimately susceptible to being transformed by them’ (Ortner 2006, 2). While Feldman argues that e.g. street-level bureaucrats ‘are not incandescent sources of policy power but rather administrators of policy rationales that operate in larger, looser constellations of government agencies, NGOs,...’ (G. Feldman 2012, 17f), I want to highlight that at times they step outside of this administrative role and become policy makers (Lipsky 2010) – or rather policy evaders (see the articles). This has two very relevant effects. On one hand, their actions impact heavily on the migrant subject and by stepping outside the legal realm of their bureaucratic workplace the uncertainty of outcomes and illegibility of the system are increased. While not necessarily going against the intended policies, but enhancing them with their actions, bureaucrats bring forward the emotional and normative aspect of public administration. On the other hand, their stepping beyond the mandate can be read as a criticism towards the system, which is in certain occasions apprehended as chaotic and arbitrary. Their actions can thus account for moments when bureaucrats want to make up for this arbitrariness. Of course, this stepping out has to be understood in context in order to avoid either essentialising structure and rendering the agency of the subject secondary or vice versa. Agency includes the reflecting, deciding and pursuing the chosen course of action (Haines 2011) and actors cannot play social realities in any way they want. However, so far the structure-agency debate has often neglected that there is more than one structure, which the individual is embedded in. While during their work they are embedded in and enabled at times by the bureaucratic structure to apply resources and

guidelines in a different and unforeseeable way, there are various degrees of social control which form and shape actors practices (Sewell 1992). Hence, the situatedness of agency shifts and changed, encompassing more structures than often analysed. Also, the temporality, past and present play a crucial role, as does the space (Giddens 1979). Bureaucrats can thus bring in sets of norms and ideas outside of the bureaucratic structure, and as example bring in their role as family member (cf. Eule et al. forthcoming), causing them ‘to act on and sometimes against the structure that made them’ (Ortner 2006, 110). While their workplace expects them to follow a normative obligation to deport a family, children or other individuals, their moral commitment and role as parent can cause discrepancies in the implementation process.

While this kind of extreme disobedience does not happen regularly, it is relevant to look at these contestations and examine where actions derive from, how choices are made and how the state agents position themselves. Bureaucrats are to a certain extent instrumentalised by power they do not control, but not stopped from exercising this power, ‘performing their acts unilaterally and with enormous consequence’ (Butler 2004, 65), using law as an instrument ‘in the service of constraining and monitoring [...] population[s]’ (ibid., 55). Actors make use of structural constraints to rationalize their actions post-hoc (see Sykes and Matza 1957 on techniques of neutralisation) – excusing their (lack of) action (cf. Haines 2011) or poor behaviour. At times other feelings, thoughts and meanings override those structures – intentional, but not necessarily consciously (Ortner 2006). Since there is a hegemonic logic, which does not follow a linear set of practices, street-level bureaucrats can easily position themselves and their actions in context of the very discretionary practices and cases they have witnessed throughout the years of their work. They learn to coordinate their actions and make use of the structure (and its flaws) productively – e.g. through the manipulation of knowledge or information (see second and third article), which again can and often does reproduce the structure and thus uncertainty and violent outcomes. Thus, structure can help them to deny responsibility and their own agency. Its reproduction further reveals power imbalances within agencies and between bureaucrats and migrants. Hence, stepping beyond the mandate does not mean stepping beyond the intended effects the state’s structure should have enabled. Instead, by stepping outside of their mandate bureaucrats can become the very agents that hold the apparatus together.

Following the (non-)enactment of rule, as well as crucial points of resistance on the street-level, brings forward the causal power of structures, shaping individuals’ actions. We can trace power and ‘problemati[se it] along the axis of law and repression or analy[se] power relations vis-à-vis institutional structures of the state’ (Calkivik 2017 on Foucault). Hence, this work is interested in how power materialises in social relations and interactions between individuals, ‘engaging [in] an interplay of nonegalitarian and mobile relations’ (Calkivik 2017).

In arguing for the need to look closely at the everyday practices of bureaucrats, their reasons and the outcome of practices, we can grasp the relevancy street-level decisions (as well as non-action) have throughout the many points in legal processing (Heyman 2009). The three articles bring forwards moments and thus reasons when agents struggle with their everyday work and practices. In moments where the otherwise hegemonic apparatus cannot offer a sufficiently ‘plausible’ logic and where it diverges too much from the bureaucrats’ other embedded normative ideas, they question the system. This can potentially harm it – since it renders it ever more intangible, but can also support it, especially where there are yet few rules and resources given to the bureaucrats.

At the same time the observed bureaucrats are facing low chances of getting caught due to the mostly administrative nature the proceedings have and the circumscribed rights of migrants to counsel, or due to the lack of knowledge regarding the procedures (cf. Heyman 2009). Further, the non-unitary system gains power through bureaucrats practicing a selective admission of policy (Heyman 1995) and reframing ostensible rules to enable the latter (Herzfeld in Heyman 1995).

1.4 Main contributions

This work proposes to map the work of executive state actors in six Schengen member states – Sweden, Switzerland, Germany, Italy, Lithuania and Latvia - through in-depth ethnographic work in order to analyse strategies of these actors to cope with arbitrary law and the current demands of superiors as well irregularised migrants. In doing so the project aspires to detect troubling legal, organisational as well as political issues in the field of migration (law) by addressing them through a bottom-up perspective. This research will crucially contribute with in-depth knowledge on the everyday enforcement of the European migration control regime, and the ambiguities and negotiations that necessarily characterise them through the perspectives of street-level bureaucrats who are considered to be the experts in this contested field of control and resistance. Below, I wish to summarise the three key contributions I set out to make.

1. To render state practices visible, which otherwise remain in the margins

Detection, identification and deportation are some of the technologies of contemporary border control regimes, performed by all Schengen States; tactics highly subject to discretion, an issue not only recently debated in the context of the ‘migration crisis’. Besides legal reasons for this contested area (national sovereignty versus supranational aims towards a harmonisation of asylum systems), the decision to bend the law, to interpret it in different ways is not only determined by moral qualities or certain traits of officials. It is also highly affected by the

received training and supervision, and on the conditions of work. Here, the expected implementation of government policies can become an obstacle due to them being abstract and often distanced to the everyday practices. Further, decision-making is bound to time and space; the result of a decision can be caused by mood, proximity of the end of the shift, interrogations and the counterpart's reaction (cf. Fassin 2013, 114). These seemingly banal reasons can have causal effects on case outcomes, as example neglecting to hand out crucial information in daily encounters with migrants, and hence, these causes need to be studied (cf. Althusser 1971). Das and Poole (2004) have pointed out that one has 'to distance [oneself] from the entrenched image of the state as a rationalized administrative form of political organization that becomes weakened or less fully articulated along its territorial or social margins' (Das and Poole 2004, 3). Instead, we can find particular restrictive forces and ostracism in these margins, which are not simply geographically defined, but applied to individuals already residing within the state territory, while not being part of the actual 'society' and thus able to access state care and resources. This entails migrants, who are not legally allowed to remain, who are excluded from health care and other welfare benefits and whose situation is highly unlikely to change. At the same time, states do not only attempt to exclude the marginalised migrants with precarious legal status, but also struggle to control migration, due to the agency of the migrant, as well as actors involved in the migration regime (Hess, Kasparek, and Schwertl 2016; Koslowski 1998; Hess and Tsianos 2010) and migration industry (Andersson 2014; Hernández-León, Gammeltoft-Hansen, and Sørensen 2013). This tremendously challenges conceptions of sovereignty, citizenship, belonging and the humanitarian self-representations of societies (Fassin 2011; Ellermann 2009) and is a continuous theme within political and public discourse (Genova and Peutz 2010).

2. To examine the complex decisions, street-level bureaucrats take and how their practices reflect on the implementation of law

While the range of possible interpretations of the law opens up but also diminishes the executive range of state actors, street-level actors have to cope with this arbitrariness, developing (alternative) strategies to remain in and regain control of the migration system. State agents aim to enforce control, working with their responsibilities, rather than shirking (Ellermann 2009), assuming that it is rather incapacity than unwillingness to implement. Decisions are foremost taken by administrators or bureaucrats who are given broad policy guidelines within which to act (Butler 2004, 58). In that sense these street-level actors wield the state's power, representing its system (ibid.). 'It is not only the state that determines the bounds of the acceptable' (Herzfeld 1992, 15), but it is officials, who have the choice to depart – in extreme cases - from the 'usual' interpretation of the law, creating new coping or creative strategies in a potentially inefficient

system. As actors might oppose new ideas and policies, they need to rearrange their existing traditions and beliefs in order to accept the latter, whereas resistances might occur during the process of redefinition, which might be a reason for diverging policy outcomes or even policy failure (Bevir and Rhodes 2010). I therefore want to contribute with a more detailed account on street-level reflections and how they are enacted, in order to demystify practices and the application of policies and rules. This work instead tries to explain the source of the ‘mysterious’, linking seemingly banal practices and decisions to structural logics. I hope to do this through an analysis of processes of destabilization, production of discretion and sense-making on a street-level, as well as exclusionary practices of states, executed by street-level bureaucrats, who inherit the power by the state to decide on how to react to people who are ‘illegally’ residing or entering.

It is indeed the street-level perspective, which can contribute to an understanding of how power ‘operate[s] on the field of possibilities’ (Foucault 2001, 341). Rendering practices visible and analysing them with regard to street-level bureaucrats’ reflections as well as the actual implementation allows us to examine the interaction between the structure and the individual. State agents are not mere puppets of an institution, but are influenced by each other, as well as by the overarching structure and logic of their institutions and by external actors (e.g. irregular migrants challenging legal practices). Making sense of daily police work is therefore not (exclusively) a matter of law, but of identity (see Bevir and Rhodes 2010), bringing attention to the intersection between structures and agents where action is produced, where agents reinterpret the law, according to their own moral subjectivity (Fassin 2013).

3. To show how the observed practices reproduce structural violence and uncertainty

Power is often seen as ‘phenomenon of willed or intended action’ (Giddens 1979, 88f). It is defined as ‘the capacity or likelihood of actors to achieve desired outcomes’ (ibid.). At the same time, power is a medium through which certain group interests are realised (ibid.), thus becoming more diffuse and less graspable in everyday interactions. This goes along the mutual shaping of practices by policies (thus structure) and individuals (agency), not only reproducing illegibility, but also structural violence. The presented data is able to materialise otherwise often hidden transcripts of bureaucrats, migrants and eventually ‘the state’. Interviews, observed actions and the paperwork or case files render structural violence graspable (Mathur 2016, cf.; Cabot 2012). It highlights how ‘power is indeed of the essence of all government’ (Arendt 1970, 51), enacted through violence on multiple levels. First, it comes into being through the differentiation between the deserving and undeserving. Second, it materializes in encounters, where the suffering subject (here the irregularised migrant) is inhibited in its ability to act due

to knowledge gaps. Third, it is enacted through the loss of information and thus renders invisible the individual who is responsible for the violence.

Further, the analysis will explain how uncertainty is upheld. The power of policing practices or surveillance mechanisms lie in their ‘arbitrariness that engenders confusion, frustration, and anxiety’ (Cabot 2012, 16; cf. Herzfeld 1992). With the collected material I hope to examine ‘diffuse formations of power that grant the state a powerful everyday life’ (Cabot 2012, 16) and interactions and practices that reinforce the power of the state and give meaning to the bureaucrat.

1.5 Background information on the country cases

Germany is a Federal State, consisting of 16 *Bundesländer* (Federal States), characterised by certain monopolies, which the *Länder* (federal-level Governments) hold. As example, a decision on asylum applications is made by a central government agency, the BAMF (Federal Office for Migration and Refugees), and the allocation of people to each *Land* (federal state) is decided by an overall statistical tool, called “Königssteiner Schlüssel”. Once asylum applications are decided, the respective Land in which the (rejected) asylum seeker is placed becomes responsible for the eventual deportation. Regarding Dublin deportations, it is also the BAMF taking care of requests on a national level, which is coherent with each country taking part in the Dublin agreement (via centralised offices). Potential hardship cases of migrants with precarious legal status are taken on the level of each Land. The central government expects that each Land responds to their responsibilities under Basic Law (Grundgesetz), but each of the 294 administrative districts have a migration office and cities of a certain size within these administrative districts might have own migration offices as well, amounting to vast differences between their structure and decision-making (Eule 2014a). Similarly, each *Länderpolizei* works according to the guidelines in each Land, as example depending on whether there is a detention facility nearby or – according to the informants – how the political mood of the federal state changes (see field notes 2017). While the *Länderpolizei* takes care of detention and arrangements of deportees to the airport (under the eye of the migration office), the *Bundespolizei* (Federal Police) takes over the actual deportation from the airport to the respective country of deportation, as well as the control of borders and mobile control on train traffic.

Sweden’s migration office and border police have recently faced an all-encompassing restructuring, aiming for a streamlined and more homogenous handling of practices. The

Swedish Migration Agency (SMA), with a central headquarters in Stockholm and divided into six regions (including 35 offices), makes decisions on asylum, permits and provides further services in each region. They decide on residence permits and hand cases, in which individuals are denied the right to stay, over to the border police when they ‘abscond’ or cannot be deported ‘voluntarily’. Each region receives asylum seekers and examines different types of applications for residence permits (see webpage of the SMA). The SMA also runs detention facilities, operated on a national level, as well as a department for litigations, presenting cases in front of the migration courts (of which there are four in total). The border police are part of the police, divided into seven regional offices, taking care of border controls, inner border control and implementing decisions handed over by the SMA regarding deportation. They also process their own cases, e.g. when apprehending migrants working irregularly and without papers, but who do not apply for asylum. The actual deportation is mostly done by the National correctional service (Kriminalvården), which has a national transportation unit. They receive the transport order by the border police (who has often received it by the SMA) and take care of the travel arrangements, including flight booking, organising medical staff and the pick-up as well as deportation, for which they are allowed to use coercive measures in case the deportee declines to leave.

Latvia has a nationally organised migration office, called ‘Office of Citizenship and Migration Affairs’ (OCMA), a state institution under the supervision of the Ministry of Interior of Republic of Latvia, as well as a centrally structured State Border Guard. OCMA is responsible for issues regarding the determination of the legal status of individuals and naturalization, issues papers regarding identification and travel documents, and takes care of the implementation of state migration policy, including the implementation of repatriation and asylum policy. They are in charge for the Asylum Centre in Mucenieki. OCMA is present in the five regions, and maintains several offices within each region, named divisions. The State Border Guard, through formerly under the National Armed Forces, is today an administrative state institution under the supervision of the Ministry of the Interior. They take care of external and internal border controls, crimes regarding the smuggling of goods (or humans) and are in charge of the detention facilities. Both OCMA and the State Border Guard work in close cooperation, regulated by the Latvian immigration law. The State Border Guard does the initial procedures and preparations, e.g. apprehending a person on the green border. They gather materials, also an eventual asylum application, do the first interview and then send the documents to OCMA, who then assesses the case. According to my interlocutors, the State Border Guard also take decisions on removals, according to the Return Directive, implementing forced and voluntary return. OCMA is the other authority able to take decisions on all other cases of removal. While

being able to write removal orders, the State Border Guard decide not only on the return, but also on detention, as well as implement deportation.

Lithuania, like its neighbour Latvia, has a centralised system. Apprehended third country nationals who decide to apply for asylum can do this at any branch of the State Border Guard Service, or when apprehended by them at the border, in city (district) territorial police authorities or in the Foreigners' Registration Centre (where individuals awaiting their decision are accommodated). The State Border Guard Service is tasked with border control (external and internal), registration, accommodation, detention and deportation of irregular migrants. It has a military command structure, with guards being uniformed and armed. In cooperation with labour inspection units and the police, they also look for irregular migrants inside the country. The Migration Department processes asylum claims, as any other paperwork regarding third country national and migrants can appeal asylum decisions to court. As in Latvia, asylum seekers and irregular migrants are kept in either reception or detention facilities, meaning in the Foreigner Registration (and detention) Centre (FRC) in Pabrade. Asylum seekers can further be housed in private housing, in case they have some sorts of relations and are allowed to by the Migration Department. Also similar to most researched countries, the State Border Guard Service implements decisions taken by the Migration Department, including deportation.

Italy has two types of offices under the Ministry of Interior, which deal with immigration matters. The *Prefettura* (prefectures) include territorial councils for immigration, who operate at a local level and monitor the needs of immigrants. They also have so called 'One-Stop-Shops' within the prefectures of each province, which deal with procedures concerning non-EU citizens such as residence permits and family reunification.

The *Questura* (immigration offices at the police headquarters), present in each of the 103 provincial capitals, carry out the order of the *Polizia di Stato* (state police). A *Questura* deals with the issue and renewal of residence permits, takes in asylum applications and carries out the necessary steps after e.g. asylum has been denied. The *Polizia di Frontiera* (Border Police), also a part of the massive body of the *Polizia di Stato*, controls the entry and stay of aliens, conducting border controls, and can also take asylum applications and register individuals, before sending them further to the *Questura*. The organisational setting is particularly interesting, since in the Italian context it is only police officers, who also function as migration caseworkers, unlike in the other countries, where civil workers are working in migration offices and a mixture of police officers and civil staff in the border guard/local police units.

Switzerland is, as Germany, a federal state with 26 Cantons. Each canton has a cantonal migration office, processing requests for residence and entry permits (and in general taking care of paperwork regarding non-Swiss individuals), but also has a section focussed on the departure and return of rejected asylum seekers, Dublin returns and individuals who have lost the right to remain on the territory. The State Secretariat for Migration (SEM) is the national body who ‘determines under what circumstances a person may enter Switzerland to live and work’ (SEM webpage), taking decisions on asylum applicants and regulating responsibilities of accommodation and further case procedure to the Cantonal Migration Offices. While the SEM hands down practices and implementation guidelines, there is yet not a harmonised system and practices (as well as structures) vary between the cantons (Borrelli 2017; Eule and Borrelli 2018). The migration offices arrange for deportations and process the paperwork (including conducting the interviews with the respective deportee), contact related agencies, e.g. SwissRepat, which is in charge of booking the flights and arranges the coordination of those who partake in the deportation. Further, the private corporation OSEARA AG, in charge to assess the ability to travel and to support deportations with medical staff (doctors and nurses) is contacted by the Cantonal Migration Offices. Cantonal police units, taking care of the transportation, implement the actual deportation. The caseworkers of the migration office can e.g. drive Dublin deportees to the borders of other Schengen Member States, though this happens only in rare cases. Depending on the size of the canton, there are also Cantonal Police units exclusively tasked with the implementation of deportation orders, received by the cantonal migration offices. The *Grenzwachtkorps* (border police) is part of the national customs agency and in charge of conducting internal border controls, identifying controls on international trains and of general questions on prevention and intervention regarding customs- and migration related matters. Based on Cantonal agreements, they work closely with the respective migration office in whose jurisdiction a person might have been detected (and thus also giving them different tasks depending on each cantonal law).

2. Definitions

In order to create a common ground for all three articles and also to link their content to a broader theoretical framework, it seems necessary to briefly define certain terms and present how they are understood within the following work. While I have explained the institutional set-up of my research within the wider concepts of migration apparatus and migration regime, three terms shall be more clearly discussed and my understanding of them brought forward: the state, street-level bureaucrats and migrants with precarious legal status.

2.1 State

How street-level actors interpret their professional roles, the interactions and interplay between the bureaucratic organisation and the individual official seems of crucial importance (Fassin and Lézé 2013), notably in the context of interpretable and often arbitrary law on migration control. Following Bevir and Rhodes (2010, 198), I argue that the state is not a unitary agent that acts by itself, but rather – like all political life – comes into being and is managed in the form of meaningful practices. Besides leaning on the rich scholarly literature on European migration management (cf. Geddes 2003; Geiger and Pecoud 2010), this research follows the line of literature on enforcement practices. This work understands the state as a ‘series of contingent and unstable practices’ (Bever and Rhodes 2010, 1; see also Trouillot 2001), implemented by a variety of actors, whose goals often differ and whose communication is far from ideal (see the third article presented below). The emphasis on rupture, contingency and diversity goes along Quine’s (in Phillips 1971) and Wittgenstein’s (2009) understanding of the world as only comprehensible through our perceptions, discourses and narratives, which are themselves social constructs. We can thus not assume a common set of interests and beliefs or a coherent state apparatus, but instead find fragmented collective identities within government organisations due to transported traditions, routines and structures, influencing the individual bureaucrat. Thus, the state is messy and comprised of ‘many hands’ (Thompson 1980). It is an evolving entity (Stel 2017; Chabal and Daloz 1999, 4f) producing the ‘margin’ (Lund 2006, 77) through categorisation and social exclusion (cf. Barker 2018). It is not only contested by the individuals defined as the ‘margin’ (here irregularised migrants), but also by the service providers, or here the street-level bureaucrats enforcing migration control. As such, I turn away from the focus on official policies and discourses, which characterise studies of governmentality, and instead study street-level bureaucrats (Clarke 2007), who play a crucial role in the creation of meanings and discourses. As such, the European states, which are part of this study, do not differ ontologically from the state elsewhere (Hagmann and Péclard 2010, 588; also Stel 2017), which is why the use of literature on the anthropology of the state of non-western spheres can not only be successfully applied (see the three articles below), but also advance our understanding of the state (cf. Gupta 2012; Das and Poole 2004; Mathur 2016). Indeed, work on non-Western bureaucracies has highlighted how structural inconsistencies and frontline struggles appear. When studying ‘the state’ in the Western hemisphere, these concepts helped me to understand mechanisms and procedures, which I otherwise would have struggled to grasp. The use of concepts such as illegibility (Das 2004), in order to present the state in its disaggregation or the concept of structural violence (Gupta 2012) have advanced the presented analysis. Indeed, the three works presented below find a ‘stateless state’, a pattern of rule,

determined by diverse actions and political struggles ‘informed by the beliefs of agents rooted in traditions’ (Bevir and Rhodes 2010, 20). As such, the state is a construct, a man-made machine, while at the same time ‘the state remains one of the most powerful institutions for enacting and organizing difference in the contemporary world’ (Laszczkowski and Reeves 2017, 2; cf. Trouillot 2001). Hence, even though the state is man-made and incoherent, ‘more than ever before men now live in the shadow of the state’ (Miliband 1969, 1).

2.2 Street-level bureaucrats

Following Lipsky’s (2010) account of street-level bureaucracy, street-level bureaucrats are defined as working for the public service, including teachers, public defenders and police officers. They strive to ‘achieve policy objectives’, while at the same time their ‘work requires improvisation and responsiveness to each individual case’ (Lipsky 2010, xii). They develop strategies, tactics and sets of skills to roam their everyday work places, characterised by discretionary spaces (Makaremi 2015, 18, 2009; Eule 2014a; Mutsaers 2015; Sandoz 2008). Since they are embedded in structures of public administration, routines and office traditions, they retain certain levels of situated agency (Bevir and Rhodes 2010), characterised by certain discretionary ranges of how to act and react on policies. It is usually expected of them to apply policy decisions and not to make them (Zacka 2017), though several works on street-level bureaucrats have acknowledged their role of actively transforming and shaping the implementation of law and policies (cf. Lipsky 2010; Edwards 1980; Eule 2014a; Mutsaers 2014; Douglas 1986). Some of the observed strategies affecting case outcomes and decision-making are coping strategies including simplification, hiding behind files (Blau and Meyer 1987), or cherry-picking of cases (Lipsky 2010), discussed in greater detail within my first article, co-authored with Annika Lindberg. Further, more creative strategies of engaging actively (see again the first article) or organisational socialisation (Emerson and Paley 1992) have been named. Reasons for coping strategies or creative ways of working are often argued to be based on practitioners’ indifference (Herzfeld 1992) or on their own moral agency (Fassin and Kobelinsky 2012; O’Kelly and Dubnick 2005), through which bureaucrats judge every client based on their deservingness (Maynard-Moody and Musheno 2000). Much alike Massey (in Green 2015), who argues that politics which have an open outcome are also ‘open to political activity that could push the outcome in one direction rather than another’ (Massey 2005 cited in Green 2015, 12f), street-level bureaucrats can with their activity or passivity (e.g. neglecting case files, see second presented article) push the outcome of a deportation order, detention or simple mobile control.

This means, of course, that they are most often acting within pre-given structures and try to work with guidelines, refine them and find ways to implement them. But at times it also means that they step beyond their mandate and – though at the risk of being seriously sanctioned – go beyond laws and policy intentions. State-agents thus have the ability to produce vulnerabilities (de Certeau 1984; Barsky 2016), using discretionary decision-making. This production of vulnerability is not only based on the implementation of policies, but also caused by emotions, ‘implicated in a variety of everyday and exceptional encounters between citizens, state agents, and the dispersed material traces of state power’ (Laszczkowski and Reeves 2017, 3). Particularly the studied street-level bureaucrats, who I claim work in a specifically protracted environment (see the second presented article), are often forced to apply pragmatic solutions in spaces where policies and laws constantly change. Thus, we encounter a group of public officials, who are tasked to inflict punishment or ‘benevolent violence’ (Barker 2017a, 2018) upon an already heavily marginalised group, who do not belong, but often cannot be deported (see work on the ‘deportation gap’; also Borrelli 2017). Throughout this research I make use of the term ‘street-level bureaucrat’ or synonymously use frontline staff or state actors/agents.

2.3 Migrants with precarious legal status / Irregularised Migrants

This work focuses on a particular group of migrants, who are generally defined by their lack of legal rights to stay and who are switching between various (non)legal statuses (Ahrens 2013; Papadopoulou-Kourkoula 2008), which are in various forms less-than-fully legal (Bernhard, Berinstein, and Goldring 2009). Thus, this work refers to irregularised migrants or migrants with precarious legal status, when talking about individuals with little or no right to remain in the territory, also pronouncing the active construction of individuals as irregular. Making use of the term ‘precarious’ is able to capture the multiple forms of irregularity ‘and illegality, including documented illegality’ (Bernhard, Berinstein, and Goldring 2009, 239) in order to underline the various situations migrants can be caught in.

Within the heated political debate, and thus the discussion on how to categorise migrants, a migrant’s deservingness is constantly questioned and poses thus moral implications on their presumed aims and aspirations (Griffiths 2014). Being defined and marginalised through their lack of rights and restricted access to public services, they are subjected to the constant threat of deportation. Both terms (irregularised migrants and migrants with precarious legal status) allow for a critical reflection on how their (il)legality is constructed. Generally, we find a suspicion regarding migrants’ claims, questioning their credibility, trustworthiness and the sufficiency, something which is inherent in asylum law (cf. Eggebø 2013; Foblets and Vanheule

2006; Granhag, Strömwall, and Hartwig 2005; Berg and Millbank 2009). While some of these precarious individuals might step out of their otherwise legal invisibility, to become asylum seekers and eventually rejected asylum seekers (cf. Eule et al. forthcoming), the terms 'irregularised' or 'precarious legal status' want to highlight the fluctuation of someone's legal status and the vulnerability of someone who is subjected to often intangible categories. They capture limbo statuses and with the use of the term 'irregularised' I can capture the states' attempts to render subjects legible through defining their legal status (Scott 1998; Cabot 2012). While I acknowledge that on a deeper linguistic and ontological level, 'precarious legal status' and 'irregularised' might be two separate terms, in this work I use both interchangeably.

3. Methodology

'Ethnography is an exciting enterprise. It reveals what people think and shows us the cultural meanings they use daily.' (Spradley 1980, vii)

This work follows a qualitative research approach in order to study everyday practices, which often significantly differ from what is, on one hand, intended on a theoretical level, as well as from what is mediated by politicians, and frontline staff. It therefore turns to ethnography as 'a written account of the cultural life of a social group, organisation or community which may focus on a particular aspect of life in that setting' (Watson 2008, 100), including participant observation and semi-structured interviews. The presented findings (including the use of ignorance and creative discretionary decision-making, as well as structures and networks of communication within and between state agencies) can only be grasped by a deeper understanding of how law, legal guidelines, policies, and individual and normative ideas are born and translated into practice. Hence, it is necessary to go beyond interviews. While 'the qualitative interview can be seen as a conversation with a purpose, where the interviewer's aim is to obtain knowledge about the respondent's world' (Thorpe and Holt 2008, 118), observational data is used to validate this knowledge and look at the practice. These observations 'require [...] us to dive deep into the sea of other people's lives and find a way to swim with them. It requires commitment, endurance, constant improvisation, humility, sociality, and the ability to give oneself up to and for others' (Shah 2017, 53). Studying the discrepancies between what is said in interviews and done in practice opens up the floor for examining the ideals and values bureaucrats inherit, as well as how they might or might not implement them. It also allows us to study to what extent state structures guide them in their everyday work, and how routines and organisational traditions play a crucial role.

At the same time, ethnography pushes us to question presuppositions, may they be theoretical or normative (Shah 2017). 'It also entails the ability to retrieve oneself and be prepared to rethink, from this position, everything one thinks one knows. And then it needs one to swim back to the shore and be prepared that this shore is almost always going to be different from the shore where one began' (Shah 2017, 53).

Besides the ability to receive a deeper understanding of everyday lives, conducting qualitative ethnographic research also allows us to gather knowledge and bring forward what 'was confined to the margins' (Shah 2017, 45). Indeed, bureaucracies often are a black box. We know very little of how decisions to detain are produced, how deportations happen and how the migration apparatus, with all its units and entities, functions.

As this project is exploratory, comparative, multi-sited and multinational in its nature, participant observation over a certain amount of time allows for further in-depth information, only accessible through the establishment of trust, gained after a certain amount of time spent in the field. My everyday work was to literally follow the officers, whether they were on a mobile patrol in the city, trying to detect a migrant subject soon to be deported, or just sitting in their offices, for many hours, either filing forms or simply waiting for other agencies to make the next move in a case. I read the same case files, looked through the same forms, and met with detainees and respective deportees to listen to discussions regarding the extension of their detention. I also followed street-level bureaucrats to court and had lunch or breakfast with them in their offices. It meant I did night shifts, and sat at train stations, airports or harbours, understanding how police officers and state border guards screen for 'illegal migrants'. It also meant that I spent endless hours waiting for decisions, available detention places and participated in weekly exchange meetings of unit leaders.

Following and being involved in their daily lives is also about creating trust. Of course, my presence as an outsider and researcher interested in their work made bureaucrats aware of their tasks and some of their actions surely derived from performative ideals they created for me. However, I argue that for the general individual, it is difficult to maintain an artificial role and 'keep up their guard' throughout entire days, weeks or months. I gained their trust not only through our time spent, and jokes made, but also the insights that I shared with them when they inquired about information on previous days or problems solved that they could not remember. Further, I wanted to ensure that my stay was not felt as taking advantage of them, quickly losing interest once I have 'gathered what I wanted'; as such, I established a routine for each bureaucrat to become comfortable with me through regular meetings and keeping up contact, also beyond fieldwork.

Though the length of research varied, the observations still allow me to move beyond written statements and unravel the black box of institutional work, which has been largely closed off to the public. This holistic perspective allows me to follow bureaucrats' narratives and tasks, their everyday negotiations and struggles. This includes studying how migrants with precarious legal status are detected, detained and deported - through the eyes of the street-level bureaucrat - in order to understand social relations and social processes of the front-line staff in relation to each other and to migrants.

Since the methodological explanation often falls short in journal articles, this section aims to provide a more detailed account on what data has been collected, and where and through which methods it has been analysed. Research was conducted between 2015 and 2017 in state agencies, which have taken on the task to implement migration policies and law. They are different in their organisational structure, their histories and traditions. While in some agencies

civil caseworkers and police officers worked together (Swedish Border Police, State Border Guard Services in Latvia and Lithuania, Cantonal Police Unit), other offices had only civil caseworkers (Swiss Cantonal Migration Office) or only police officers (Italian Migration Office, most of the staff in the German Landespolizei). However the three articles try to make a contribution by bringing forward their similarities, such as strategies of ignorance or communicational ways of knowledge and information transmission, allowing to compare not only practices, but also how agents present their practices, which will show the dynamics of the field.

The following section quickly operationalises the study and summarises the content and context of the collected data. A brief explanation on the data analysis will precede a detailed account on the research design, which summarises the specific data, including length of fieldwork, number of interviews, and the bureaucratic structure of migration enforcement of each country. I then critically reflect on my own position and ethical factors, ending with a short discussion on the limitations of the presented material and research.

3.1 Operationalization

'Ethnography offers all of us the chance to step outside our narrow cultural backgrounds, to set aside our socially inherited ethnocentrism, if only for a brief period, and to apprehend the world from the viewpoint of other human beings who live by different meaning systems.' (Spradley 1980, vii f.)

Following a decentred account of migration control practices, this work focuses on meaning in action instead of institutionalised meanings of state agencies. Everyday practices play thus a highly relevant role when studying bureaucracies and institutions. With this approach it is possible to take into account multiple actors with their diverse views leading to a pattern, as well as the change of the latter over time (cf. Latour and Woolgar 1986). These patterns, or frames (Goffman 1986) are interpretations of individuals embedded in various systems and thus influenced by e.g. individual values, personal experiences, but also professional norms, and organisational traditions. They are in flux, but manifest in everyday actions. Their study enables us to imagine the constant struggle and traditions, which motivate state actors in their daily work.

On a broader methodological framework this work builds on Goffman's (1986) frame analysis, as well as Lahire's 'patrimony of dispositions' (Lahire 2012, 2003, 44f.), used in an analysis of actors' practical sense of their everyday tasks (see also Bigo 2014, 210). Where some dispositions develop stronger links due to longer and specific usage (such as discipline being

typical for the military), others have a shorter history or possess less affinity to one specific institution (e.g. the new experiences of migration-related objectives for police units usually not connected to these tasks). This reality is socially constructed, not only through media and personal experiences, but also by organisational culture. Street-level practitioners' identified frameworks lead to certain reactions towards their 'clients' (migrants with precarious legal status), policies, law and institutional guidelines, which can be identified not only by spending longer amounts of time with them, but also through coding of the collected material. Frameworks include certain sets of ideas or doxa (Amossy 2002), generally defined as knowledge and shared opinions within specific social groups. Doxa, used by street-level bureaucrats, exist on various executive and legislative, and administrative levels, of which the latter currently seems to become of much higher relevance. Actors have to rearrange their daily meaning-making and might have to face greater responsibility, maybe without more guidance. It is necessary to analyse these doxa in a context of discretion, as it often striking how different government entities selectively apply rights in a somewhat democratic context (Herzfeld 1992). These might determine which laws are put into effect (Barsky 2016, 65) and which ones are left aside.

The research tries to examine: 1) Street-level bureaucrats' patterns of meaning, justifications, and understandings of their work. 2) How these patterns affect practices of migration control and by extension, how the state is enacted within an often changing and highly politicised field.

The main research question unifying all three articles is thus defined around the strategies and practices of street-level bureaucrats working in the field of migration, as well as processes of meaning-making and their narratives about their work. It enquires about the strategies of street-level bureaucrats working within the field of migration, including ignorance, to resist or enforce migration policies and guidelines, aiming for the detection, detention and deportation of migrants with precarious legal status. These strategies are influenced by organisational, legal and communication factors, which play a significant role in bureaucrats' everyday work experience. The interest in 'studying up' the state (Nader 1972) derives from the wish to study the 'complex meanings and sites of policy' (Shore and Wright 1997, 11), which are contested spaces. Studying up and through centres of power – tracing power relations – 'cannot be studied by participant observation in one face-to-face locality' (Shore and Wright 1997, 11), but needs a multi-sited ethnographic approach. Indeed, studying the state, its institutions and generally the bureaucratic society answers relevant questions regarding social structure and accountability. I turn away from studying the 'poor', the marginal subject, on which rich accounts have been drawn in other works (cf. Gilliom 2001a; Epp 2009) to the more

dominant structures, to study the agency with power and focus on the ‘culture of power rather than the culture of the powerless’ (Nader 1972, 5).

The collected data has a major focus on border police (Latvia, Lithuania, Sweden), and local police units whose tasks focus on migration (Switzerland, Germany), as well as on migration offices (Switzerland, Italy). Due to different accessibility I was unable to conduct the same length of participant observation in each site (or at all in some sites). I thus was not able to study migration offices in each country, or to follow border police in each of the case studies. In Italy, since 2012 an internal directive does not allow ‘external individuals to access operative or administrative police offices due to the delicate nature of the work conducted there’ (E-Mail correspondence with the Department of Public Security, Office for External Relations and Ceremonies, own translation 2015). As such, my stay at one migration office was cut short and only made possible because the head of the office supported my research and went against the directive. The Swedish Migration Office rejected my attempts to enter for over nearly one and a half years, arguing a lack of resources and time due to the situation of crisis.

In order to justify the offices I visited, I want to quickly summarise the reason for their selection. Since the focus is on migrants with precarious legal status and street-level practices, offices where cases of rejected asylum seekers, Dublin deportees and migrants without the right to remain were either detected or ‘processed’ were visited. Further, I followed units that planned and implemented deportations. Instead of concentrating on state agents who provide support to irregularised migrants, such as social services, this work focuses rather on state agencies enforcing migration law. This includes border police, or border guard services, units within the migration offices dealing with the detention and deportation of irregularised migrants, and police units who either have similar functions and tasks as border police units, or work in close collaboration with migration offices and the border police/guards.

3.2 Data analysis

Following Marcus’s (1998) working method, interviews have been recorded whenever possible, transcribed, constantly coded and re-examined during the process of data collection in order to find central patterns and significant themes. Field notes are of course the major material which allowed me to find an ‘overarching interpretative narrative’ (Astuti 2017a, 10). Finally through the collection of different types of data as well as through the shared interpretation with colleagues, a process of triangulation has been established (Flick 2011, 2008; Atkinson and Hammersley 1994; Hammersley and Atkinson 2007). In order to validate field notes and reduce a sole reliance on these, I have monitored and followed media reports, policy papers and conducted follow-up interviews. Further, in May 2018, our research group invited practitioners

who either facilitated my research access, i.e. whom I encountered during my research, to summarise the project findings to and asked them for their expert input to validate our methodology.

Data analysis and interpretation is driven inductively. Through the reflexive process (Bevir and Rhodes 2010) of reading through, validating with colleagues and presenting first findings at conferences, certain themes emerged. Further themes surfaced when comparing collected material in previously studied research sites, highlighting commonalities in the themes which developed from this research (cf. Lofland and Lofland 2006). In a similar matter the validity of data interpretation was assured through ‘intersubjective agreement built on comparing different narratives’ (Lofland and Lofland 2006, 207) of various actors on different levels.

The data was sorted and coded into various categories, grouping them into similar ideas and phenomena (Lofland and Lofland 2006). This close-to-text coding was followed by several levels of higher abstractions to create broader groups of categories (cf. Flick 2008, 2011). Types of coding differentiated between descriptive passages (descriptive coding) of casework and routine practices, emotional experiences (through emotion coding, focusing on the moral positioning of the legal professionals) as well as evaluation (through evaluation coding, where judgements about merit and significance on policy and practical work are assigned to the material) (Maanen 2011). However, due to the vast amount of data, initial coding was only done preliminarily, and more emphasis was put on coding highlighting certain themes rather than coding each line of data and adding a more conceptual level.

3.3 Design

This dissertation started out as a part of research aiming to compare migration offices in a number of Schengen Member States: Italy, Switzerland, Germany and Sweden. However, as it often happens, research plans change when attempting to enter state institutions or ‘the belly of the beast’ (Wacquant 2002). Access was not always easy, causing delays of field research and the collection of data in different institutions. When agencies were willing to give an interview, the general strategy was to also ask them about access to conduct participant observation, and through these get access or interviews to further relevant agencies. The personal contact established during interviews helped me not only to get further interviews, but also to negotiate access once my request was sent.

While this partial collection of long-term fieldwork in often dissimilar agencies might cause a critique regarding the generalisability of the claims made in this work, I want to highlight that the encountered similarities are striking and thus helped me to make more

generalised arguments, e.g. on the communication of government agencies, their strategies to deal with knowledge and information, or their ways of coping and creatively managing migration enforcement. Due to the structural, historical and political differences among the studied country cases, a traditional comparison seems of less relevance, since the result can easily become tautological: There are differences in the structure and tasks of agencies, i.e. structural differences explain how similar tasks are completed differently. Focusing on a comparison of differences would eventually not tell us much more about the actual production of structural violence and reproduction of it on the street-level throughout the agencies. While I do not want to discredit the importance of studying differences (on macro, meso and micro levels) and variations, this work will not discuss how the agencies considered came into being and how their professional ethos might vary and be affected by it. Instead this work generates findings, which go beyond a country comparison. While there is a cross-national variety of street-level positions (see the article on the creativity of coping) found during fieldwork, finding commonalities and analysing them under broader terms, such as ignorance or communication, challenged me to identify new themes within my research which would not have emerged through a traditional cross-country comparison. The interest to study similarities prevailed from the beginning of this research, but was further supported after collecting and analysing the final data. Besides street-level narratives also being shaped by political, organisational and historical aspects, even region-specific factors, their reflections and actions bring forward a much more complex, but also shared network of thoughts and practices. I therefore want to highlight how the similarities brought forward in the three articles can help us understand how – despite structural differences – the migration management apparatus attempts to control mobility of the unwanted, irregularised migrants. Also, the focus on similarities shows how migration policies fail to create a coherent and implementable set of strategies and practices for the street-level staff, expected to follow decisions made in the upper levels of bureaucracy.

The following is a detailed list of the data and institutions I have engaged with, including a detailed description of data and length of research stays.

Germany

Data was collected during 2017 and includes:

- Two weeks of full time participant observation and semi-structured interviews with a Landespolizei of one Federal State. During this period semi-structured interviews with police officers working in administration (higher officials) as well as on the street (mobile units), in total 12 interviews (out of which 5 were done with two interlocutors), plus three follow up interviews, were conducted

- Further, 9 semi-structured interviews have been collected with further state authorities, including an official of the federal police (Border Police), a prosecutor working on detention cases brought forward by the police, the head of a unit within a local BAMF branch and his assistant, a caseworker of the BAMF working on identity checks, a caseworker on administrative procedures, a BAMF official working on asylum decisions, two unit heads of the LAF (State Office for Refugee Matters), and a medical doctor working for the police, also taking decisions on deportees' abilities to travel
- One semi structured interview with the Head of a reception/housing facility
- I also participated in a public quarter meeting within the city where the senator for integration, labour and social affairs, a unit head of the senate administration for city development and housing, two borough majors of the respective quarters where the housing will be constructed and a police officer from the section on intercultural tasks

Sweden

Data collection was done between 2015 and 2017, including:

- Four semi-structured interviews with border police (between one and three hours long) in one major city; two interviews with border police in a second major city, one interview with the transport unit of the Swedish prison and probation service, co-conducted with Annika Lindberg
- Four months of full time participant observation at one out of seven Border Police Regional Offices, as well as 15 semi-structured interviews, and numerous informal talks and exchanges
- Collection of case files and internal policy documents, briefings, guidelines and frameworks
- Four field visits at one other Regional Border Police Office, as well as 7 semi-structured interviews (plus one follow up)
- Two interviews with police officers from a third Regional Border Police Office
- One expert interview with Oscar Larsson on the general structure and handling of crises in the Swedish public administration apparatus
- One semi-structured interview with two officials of the transport unit of the Swedish prison and probation service
- Participation in an Amnesty International Meeting on detention visits
- One semi-structured interviews with Save the children and one informal meeting with an official of the Red Cross

- Semi-structured interviews with three out of four Migration Courts, including one interview with two, one with three judges and caseworkers and four individual interviews with Court staff

Switzerland

Research was done between 2016 and 2018, including:

- Three months of full-time participant observation at a Cantonal Swiss migration office, as well as two interviews with caseworkers of second cantonal Swiss migration office and a one-day observation at a third Swiss cantonal migration unit, including four semi-structured interviews,
- Six weeks of full-time participant observation at a cantonal Swiss police unit tasked with deportation, including 11 semi-structured interviews;
- Semi-structured interview with an administrative employee of a medical clinic
- One day field visit/participant observation at a detention centre, including a semi-structured interview with the head of the centre
- Interview with two officials of the Grenzwachtkorps (Border Police) Headquarter, one day of participant observation at a regional Grenzwachtkorps unit, including three semi-structured interviews
- Semi-structured interviews with five caseworkers and officials of the Swiss State Secretariat for Migration
- Workshop by Lisa, Anna and Tobias with practitioners from Switzerland and Germany (SEM, police, cantonal migration authorities) in Bern in 2016
- Workshop by Lisa, Annika, Tobias and Anna to share and discuss our findings with practitioners from Germany, Switzerland and Latvia (police, cantonal migration authorities and state border guard services) in Bern 2018

Italy

Data was collected in 2015 and consists of:

- One week of full-time participant observation at one Italian Migration Office (*Questura*), including informal interviews and three semi-structured interviews with the head of the migration office, as well as the section heads of the immigration control office

Latvia

Data was collected in 2016 and consists of:

- One week of fieldwork with the State Border Guard Service, including participant observation and 6 semi-structured interviews (plus two follow up interviews) with the

State Border Guard Service, one interview with UNHCR, and a focus group interview with five participants of the OCMA (Office of Citizenship and Migration Affairs). The fieldwork and participant observation includes field visits to two border post. This first week of fieldwork was conducted with Annika Lindberg.

- Two weeks of full time fieldwork at the State Border Guard Service, including participant observation and semi-structured interviews (between one and three hours).
- During these two weeks, 7 semi-structured interviews were conducted with the Latvian State Border Guard Services, one interview with staff from an asylum centre, one interview with IOM, one with two employees of the SIF (Society's Integration Fund) and one interview with the Centre of Human Rights. Field visits and participant observation were conducted at an airport, a detention centre, the green border to Russia, and several internal state border guard stations

Lithuania

Data was collected in 2015 and consists of

- Two weeks of fieldwork (partly with Annika Lindberg) in Lithuania, including 11 semi-structured interviews with Lithuanian border guard services (between one and three hours) and group interview with Lithuanian Red Cross, field visit to border post and migration detention centre in Lithuania.
- One week of full time participant observation and 6 semi-structured interviews (between one and three hours) at the Lithuanian State Border Guard Service. The research visit included visit at three airports, and three frontier stations (two more were visited with Annika)

A reason for the diverse timeframes of my research stays includes time constraints of my project. Also language barriers (Latvia and Lithuania) certainly made longer participant observation difficult. While I spoke the respective language of most countries of research, research in Lithuania and Latvia was conducted in English and officers needed to translate their interaction with migrants and explain their processes to us, e.g. the translation of forms and regulations. Thus, the feeling of 'saturation' appeared quicker than in the other researched organisations, also due to the more limited depth of knowledge I was able to acquire considering the language barrier. In Italy my research stay was not officially permitted. The fieldwork was thus cut extremely short, after immense access struggles (Lindberg and Borrelli 2017). The research visit in Germany was shorter due to the restricted time frame of the project and due to the spontaneous offer of access, which arrived in the very end of my fieldwork. Hence, Sweden and Switzerland are the two cases in which most data was collected.

The following three articles will not discuss material collected in Germany or Italy. The focus on different country cases in different articles can be explained in three points. First and foremost, data was collected over the course of three years. Articles were finalised while research was still on-going, not allowing me to take into account all the material. Second, in order to assure the highest quality of analysis, I was not always able to make similar observations due to the different depths of data collection and thus different material. Third, the decisions to focus on rather two or three countries, was advised within the revision processes the articles went through. Hence, the first article, dealing with the creativity of coping includes data collected in Lithuania, Sweden, Latvia, Switzerland and Denmark. Here Annika Lindberg contributed data on Denmark and participated in shorter field research stays in Latvia and Lithuania during which we collected data together. The second article on strategies of ignorance and knowledge includes data on Sweden, Latvia and Switzerland, while the last article focusing on communication and the ‘whispering down, up and between the lanes’ focuses on data collected in Sweden and Switzerland.

3.5 Positionality, reflexivity and ethics

I started field research in 2015 and presented myself as a PhD student involved in a greater project interested in how – simply speaking - government agencies ‘deal with irregular migration’. Whenever I sent off e-mails or called an office I presented myself as a student with a keen wish to understand how ‘bureaucrats work’. My strategy was steady and explanations used did not differ, whether if I talked to a higher official or a police officer on the frontline, willing to give an interview. Concurrently, I highlighted my stays in different agencies and countries, offering to share my insights at the end of the study – including comparisons on practices (something several agencies seemed to be most interested in). As such, I myself was positioned as a student studying them and interested in their work. However, when I was in the field I kept in the background as much as possible and let the bureaucrats explain my role. First, I did not want to wrongfully claim a position. Second, I wanted to see how they made sense of me being there. My position thus changed, depending on whom we encountered, as well as depending on how the bureaucrat reflected on my role. If it was other offices and state agencies, I was mostly introduced as ‘their researcher’, sometimes used to show the agencies’ interest in research and to some extent also their ‘innovative’ spirit. If it was during the encounter with migrants, I was sometimes introduced as an intern, seldom as researcher hosted by e.g. the police unit, and often not at all (partly stating that I belonged to the institution). Of course, this can be problematic and criticised. While I ensured my primary ‘research subjects’ were aware of what I was working on and that their comments and practices will remain undisclosed to

their supervisors and their voices anonymised in ensuing text, I did not have the same opportunity with the migrants interacting with the street-level bureaucrats. What remains for me to do is to assure that their stories and cases are treated with the same respect and anonymised description as for my main interlocutors – and I hope I was able to do that.

In order to anonymise interlocutors and places, none were named. It was also decided not only to avoid gender pronouns of street-level bureaucrats where possible, instead using capital letters for them, but also not indicating in which region or area research was conducted, due to the often detailed case descriptions which will easily be identifiable for the interlocutors and their superiors. Instead, contextualisation of work places and practices was done by a detailed observation and information on the context of the case, in order to keep a plausible deniability (Reyes 2018). Being aware of the potential to reduce the particularity of observations through this anonymisation, this work tries to avoid pseudo-generalizability through a constant exchange with colleagues and discussion of notes, as well as through the variety of the data collected.

Since I followed several groups in order to see entire cases (from the detection to deportation of the migrant with precarious legal status), I was often given full access and could roam around freely. This access should however not be taken as a right, but as a result of several months of tactical (and at times repetitive) requests on my side. Access thus varied, as well as the possibility to move around freely. At the Swedish border police unit I was given an office equipped with a personal electronic access card, enabling me to enter the office during regular working hours (including office hours, but not on weekends and before or after a certain hour). I did not have access to their databases and did not have a laptop or computer through which I could enter case files, thus relying on the printed files of the caseworkers. This was similar to my access in the Swiss Cantonal Police Unit. In the Swiss Cantonal migration office, I also had a room, but did not have a key or card to enter the premise, meaning I was depending on people to enter. However, I was given an access card in order to go through their databases, including the national database to which all Cantons could access and enter their case files. In Italy I was let through easily and was allowed to hang around the offices and areas where officers worked and since it was an open space, no keys were needed. In Germany, Latvia and Lithuania my research visits were much more structured. I was often given schedules, including meetings for interviews and information at which day and time I would be able to follow which group. Generally, a superior being either the head of an agency or even via the regional or federal level gave access.

3.6 Limitations

In this last section, I want to briefly discuss and anticipate potential criticism of this study, broadly summarising three major lines of concern. I want to summarise what this study does *not* aspire to do and what it aims for instead.

1. Generalisability of the collected data

This project studies a particular field of the state, namely the side of increasingly intrusive coercive social regulation, defined as ‘policies that regulate individual (rather than firm) behaviour in highly intrusive ways and, in the process, impose severe personal costs on the regulated. ‘[These] policies [often] rely on the routine use of physical force for their enforcement’ (Ellermann 2009, 3). It thus aims to bring forward the argument that restriction and coercive state measures weigh heavily on those tangled up in it.

This study tries to balance between creating a particular picture of street-level bureaucracy in the migration regime, as well as highlighting where results can be generalised and thus help to understand state practices per se. It is aspired to bring forward general issues which all visited government institutions and street-level bureaucrats have in common, even though they are different in their general structure and national law. That said, it could only focus on a certain amount of ‘themes’ uncovered, including creative strategies to cope with work, ignorance and communication. While ignorance (see article below) surely can be found within all bureaucratic agencies, the presented findings highlight how the migration regime inherits a particularly violent nature, also caused by the often-opaque practices and procedures. The tools to regulate and thus exclude are of a particularly heavy nature (cf. Ellermann 2009), including deportation. Also, while issues of communication are not a surprising reason for knowledge and information loss or ‘re-shaping’, in a context of ostracising practices, the outcome for the migrant can be extreme. This is also reflected in the individual sense making of bureaucrats, who might take on the roles given by the state, or resist certain expectations. As such, I am to walk a fine line between generalisation and specific analysis.

2. Depth of fieldwork and findings

Besides time and language constraints, I studied the agencies and units until a certain feeling of saturation came up. Once back at the office, away from interlocutors, we as researchers also continue to make sense of the collected ethnographic data, which unfortunately will often be streamlined and condensed (cf. Astuti 2017a, 2017b). As so many other ethnographers before, attempting to write down and summarise notes, a clear limitation is that we reduce and simplify the material, since our written work of course cannot grasp the full extent of our research stay. The shift between field site, taking notes and the academic office, thus symbolises moments of ‘reifying’ that our analysis and interpretation still capture the essence of what we observed and

studied. While in classical anthropological research the stays often amount to a year or longer, participating in the entire life of local populations, living in the same place, sharing their everyday lives day and night, in an organisational context, studying the work and positioning as well as practices, works slightly different. You participate in a specific part of peoples' lives, and a very specific environment. Thus, while sharing their same working hours and schedule, the focus is on certain practices, and connected to the organisation, which is also restricting the time (reducing fieldwork to working hours) and content of observation.

3. Macro-level changes and policy/legal analysis or other street-level perspectives

This research has its focus on street-level bureaucrats, agents of the state. It cannot account for the detailed experiences of migrants with precarious legal status or non-governmental actors, as well as civil society. Nor can it claim vast knowledge on the higher political levels and macro-structures. While I have been able to follow bureaucrat-migrant encounters and to read and screen through hundreds of case files, I can only marginally refer to migrant's experiences drawn from these encounters, which have been carefully analysed here. I did not have the chance to directly interact with them and ask about their perceptions and experiences. However, by carefully looking at the encounters and discussions between caseworker/police officer and migrant, I was able to demarcate moments of confusion, anger, desperation and thus violence, faced by the migrant and thus hope to have captured these moments to a sufficient extent.

Regarding the analysis of macro level structures, legal text and policies, I can only refer back to the main idea of this thesis: to study how these are implemented on the street. Policies change rapidly, especially with the increasingly negative position towards certain mobility and this work cannot account for each change and how it is affecting daily practices. Nevertheless, it can give an overall view of how changes affect bureaucrats and how they position themselves within an ever-changing and highly politicised field.

4. Articles

4.1 The Creativity of Coping: Alternative Tales of Moral Dilemmas among Migration Control Officers

Borrelli, L. M. and Lindberg, A. (2018). 'The Creativity of Coping: Alternative Tales of Moral Dilemmas among Migration Control Officers.' *International Journal of Migration and Border Studies*, 4(3): 163-178. Doi: 10.1504/IJMBS.2018.10013558 (© 2018 Inderscience Enterprises Ltd.)

Abstract

Street-level bureaucrats are routinely exposed to the conflicting expectations of their political superiors, target groups, and the general public, especially when tasked with managing individuals with precarious political, legal, and social status. Moreover, migration and border officials are confronted with tasks that entail both complex discretionary decision-making and coercive measures, where they have to balance a professional ethos with their personal moral values. Building on ethnographic fieldwork, including participatory observations and semi-structured interviews conducted with street-level bureaucrats working with migration control in several European countries, the paper explores the moral balancing acts of officials regularly faced with harsh work realities. Apart from often-cited coping strategies of blame avoidance, indifference and dehumanisation, we highlight how bureaucrats confronted with morally uncomfortable and often Sisyphean tasks respond to these challenges with creativity and sometimes eccentric approaches to their work. In doing so, officials take active part in shaping the ethics of migration control.

Keywords

street-level bureaucracy; migration control; migration and border studies; ethnography; law enforcement; European migration apparatus; moral dilemma; creativity; coping mechanisms.

Introduction

The 2015 “crisis” of European migration control rendered visible the lack of solidarity and coordination capacity among European states (Düvell 2016), as well as their failed commitment to international human rights laws and principles (Kallius, Monterescu, and Rajaram 2016; De Genova and Tazzioli 2016). Migration policies were adjusted to a humanitarian minimum as

governments swiftly adopted restrictive measures including closed external and internal Schengen borders, tightened asylum regulations, and continued and reinforced focus on deterrence and removals (Genova and Peutz 2010; Gibney and Hansen 2005). In this highly politicised and polarised context, less attention has been paid to enforcement agencies and officials who have had to adjust their practices, reallocate resources, and in some cases rethink their work ethics. Such rapid alterations, however, are routine rather than exceptional in street-level bureaucratic organisations (Brunsson 2006). Still, as Swedish police officer C.J. put it when reflecting on his experiences of the “refugee crisis”, the border police and other enforcement agencies “entered a legal grey zone” when they were forced to make up practices as they went along. In managing their everyday work in times of crisis or routine, migration control officers are caught in political crossfire: between those calling for ever-stricter law enforcement, and those expecting them to refuse to enforce restrictive or even inhumane policies.

Prior research has established that the migration policy field is characterised by legal, political, and moral dilemmas, where officials have to manage delicate ethical balancing acts and navigate unclear and sometimes contradictory policies (Barsky 2016; Ellermann 2009; Eule 2014b; Lahav and Guiraudon 2006; Triandafyllidou 2003). This article presents an analysis of the moral work of street-level bureaucrats (Fassin et al. 2015) in the European immigration policy field in a time of high-pitched debate over its moral and legal frameworks. With this paper, we wish to highlight the active role of frontline officials in (re)shaping the morality of migration management. We argue that the dilemmas officials are confronted with and their responses to them, rather than being individual deviances, reflect systemic frictions and contradictions inherent in the assumed coherent ‘migration apparatus’ (G. Feldman 2012). This perspective, therefore, brings us closer to understanding the bottom-up making of migration control in a time of intensified politicisation and transformation.

Situating the Moral Dilemmas of Migration Control Officers

The paper situates itself in the field of research on migration law enforcement (Guiraudon and Joppke 2001; Ellermann 2009; Fassin 2013; Eule 2014b; Hamlin 2014; Infantino 2016; Spire 2008). Building on insights from research on street-level bureaucracy (Brodkin 1987, 2012; Lipsky 2010; Maynard-Moody and Musheno 2000), this literature highlights the importance of studying how migration and border officials applying, interpreting, and adopting law while exercising discretion are actively involved in ‘making policy’ and in the everyday (re)production of migration control. While their actions are circumscribed by polarised political

debates, complex and multi-layered laws and regulations, and often involve encounters with vulnerable individuals, officials also insert their own moral agency into their work (Fassin and Kobelinsky 2012; O’Kelly and Dubnick 2005; Zacka 2016, 2017). This moral judgement is formed by professional socialisation and the organisational context (Emerson and Paley 1992; G. Feldman 2012) and in interaction with individual ‘clients’. Indeed, according to Maynard-Moody and Musheno (2000), judgments of the worth and deservingness of each individual client is key to street-level officials’ decision-making, and hence crucially influence their work practices and hence also law enforcement (Fassin 2013; Fassin et al. 2015; G. Feldman 2016). This is not to say that officials do what they want: as noted by Brodtkin (2012, 946), they just “do what they can”.

This paper is not primarily concerned with bureaucratic discretion, but focuses on how officials address the moral dilemmas that they encounter in their work. Our focus lies on their values and beliefs, rather than on acts or events (see Maynard-Moody and Musheno 2000); in other words, on the judgments that precede and inform discretionary actions. Moreover, not all actions by street-level officials are confined within the limits of their discretionary power prescribed by law; we also observe actions that go beyond the scope of discretion, where officials act autonomously in relation to law (cf. Lipsky 1980/2010). In yet other situations, their actions may take the form of new appropriations of law. In adopting this approach, we wish to challenge the image of a rationalised, neutral public administration, and turn our gaze towards its internal life with its contradictions and struggles (Bevir and Rhodes 2010). Hence, we recognise that institutions think (Douglas 1986), feel (Herzfeld 1992), and judge (G. Feldman 2013, 2016), and thereby enter into a dialectic relationship with law and policy (Fassin et al. 2015), and with the moral framework of migration control practices.

Street-level Bureaucracy: Between Conflicting Expectations and the “Problem of Dirty Hands”

Bureaucratic authority is based on a general acceptance of the validity of law and on the idea that it possesses an inherent rationality, which generates a distance between legal authority and “society” at large (Bourdieu 1999; Blom Hansen and Stepputat 2001). This ideal envisions rule-bound conduct of officials, clearly defined areas of jurisdiction, systematic division of labour, and hierarchies of responsibility. However, far from this formalist ideal, the reality of law enforcement is characterised by *conflicting expectations* from the public, and *value conflicts* when general policies are to be applied to individual clients (Brodtkin 2012; de Graaf, Huberts, and Smulders 2014; Lipsky 2010; O’Kelly and Dubnick 2005; Zacka 2016). Therefore, public values such as “integrity”, “fairness”, and “democracy” that dominate political discourse and

bureaucratic ideals are likely to conflict with one another when translated into practice (de Graaf, Huberts, and Smulders 2014; Le Grand 1990, 2007). The public neither wants officials to be ruthless and indifferent with regard to their own actions, nor jeopardising the public good by moral pedantry (Williams 1978). These conflicts are pronounced in some fields of administrative work than in others, notably where coercive force is implied, such as in processes of detention and deportation (Ellermann 2009; Wettergren 2010). Indeed, prior research on migration law enforcement has demonstrated that the public expects policies to be applied strictly, yet also tends to protest when general frameworks are applied harshly to individuals (Spicer 2010). Street-level officials then have to make choices that balance these demands.

Moreover, the value conflicts inherent in public governance are likely to be experienced as morally challenging for officials (O’Kelly and Dubnick 2005; Fassin et al. 2015). As noted by Weber (1978, 121), ‘No ethics in the world can dodge the fact that in numerous instances the attainment of “good” ends is bound to the fact that one must be willing to pay the price of using morally dubious means’. Governance entails compromises between policy goals and moral principles, and public officials are routinely faced with situations where policies are practically or morally challenging to implement (Spicer 2010; Zacka 2016). They are then faced with choices that do not lie between one desirable and one undesirable alternative (March and Simon 1976): instead, they are confronted with ‘Machiavelli’s problem of dirty hands’ (Walzer 1973) in which *all* lines of action would be morally undesirable. Public officials are compelled to take dubious actions in order to achieve publicly or politically ascribed ‘good ends’, while paying the price for this, professionally, psychologically and emotionally. How do public officials cope under such circumstances? Following Zacka’s (2017, 14) contribution on ‘how the pressures of everyday work gradually erode the moral personalities of street-level bureaucrats and how [they can be] equip[ped...to] respond to these pressures while remaining balanced and sensitive moral agents’, we focus on their (counter)strategies in relation to institutional demands. Rather than pathologising these practices (Zacka 2016, 2017), we will show how they are used to respond to and make up for structural inefficiencies of the European migration apparatus.

Coping Strategies of Public Officials

Scholarship on street-level bureaucracy has listed officials’ strategies for addressing moral dilemmas, should they be confronted with conflicting values (Dickson 1968; Thacher and Rein 2004). By limiting client demand or *cherry-picking* easy cases and work tasks over complicated ones, officials can ease the pressure from client requests that they know they will not be able to satisfy (Lipsky 2010; Winter 2006). Another technique is *simplification*, where officials routinise their work practices in order to minimize emotional attachment to the individuals

'behind the files' (Blau and Meyer 1987; Bouchard and Carroll 2002; de Graaf, Huberts, and Smulders 2014; Scheffer 1998). At the organisational level, diffusing responsibility for work tasks and moral judgment between 'many hands' (Thompson 1980) is another strategy for minimising individual responsibility for morally objectionable decisions and thereby ensuring smooth enforcement. We recognise this discussion on the 'banal' yet horrifying efficiency with which a depersonalised bureaucracy can operate from scholars such as Arendt (1963) and Bauman (2001). Herzfeld (1992) argues that such *indifference* is an inevitable product of bureaucracy, as individuals are stripped of their personal traits in the process of classification and categorisation. Yet these practices are in no way 'rational', 'neutral' or 'accountable', according to Herzfeld, but are instead arbitrary and discriminatory.

These approaches all assume that officials react rather passively to morally challenging tasks, by downplaying personal values and simplifying work realities; in other words, by extracting their "self" from morally, legally, and emotionally challenging work tasks. What we found in our fieldwork was, however, quite different strategies, where officials did not merely rely on impersonal professionalism in order to live 'in agreement with themselves' (G. Feldman 2016, 491). Instead, they would find ways to insert their own, personal values in their work and go great lengths to act upon their individual judgement when caught in predicament (Zacka 2017). Similar to Maynard-Moody and Musheno (2000), we found that officials are willing to make their work harder, less efficient, and more complicated in order to align results with their own judgment of what is fair, just, or 'right' in a given situation.

Creativity as Coping?

In what follows, we highlight instances where migration control officials adjust their attitudes and practices in order to better meet their personal preferences (Fassin et al. 2015; G. Feldman 2016), to the advantage *or* disadvantage of migrants subjected to their control. We give examples of how officials, through proactive engagement in their everyday work tasks and practices, navigate conflicting demands and morally dubious tasks within the constraints - or at times at the fringes - of their mandate. Officials take active part in shaping the ethical environment in which they operate, rather than merely reacting to it. We conceptualise these strategies as 'creative', and find them expressed through narratives and practices that individual officials apply in order to harmonise the task at hand with their personal moral compass. Alternatively, they invent narratives about their work practices that better align with their personal values. Creative strategies require a certain amount of autonomy (Kozbelt, Beghetto, and Runco 2010). They are connected to deviance, as existing norms are considered in parallel to the possibility of creating new ones (Moran 2010).

In contrast to the above-mentioned coping mechanisms, creativity should be understood not as a mere reaction to everyday challenges and a strategy to circumvent them. Instead, they evolve from personal motivation, expressing the “situated agency” (cf. Bevir and Rhodes 2010) of actors, and generating new ways to navigate within the given social system (Plucker and Makel 2010; Puccio and Cabra 2010; Woodman, Sawyer, and Griffin 1993). What motivates officials to challenge or bend norms and regulations is not necessarily a wish to subvert the system or change the outcome of the individual case they are handling. Hence, we assume that creativity is not primarily intended to change the situation for migrants, but to make the job easier and more enjoyable, practically as well as morally, for officials themselves. Importantly, these often minor deviations and exceptions in everyday practices remain highly circumscribed by officials’ professional mandate and by laws and regulations. In the following sections, we empirically explore situations where officials have gone beyond the above-stated coping strategies and have inserted their personal preferences and beliefs into professional practices.

A Note on Methods and “the Field”

The paper builds on ethnographic fieldwork, including participant observations and semi-structured interviews, with frontline bureaucrats working in different migration control agencies across Europe. The selected encounters took place in winter 2015/16 (Lithuania), spring/summer 2016 (Sweden, Latvia and Denmark) and autumn of 2016 (Switzerland). Field sites have been selected through a snowball method, where we built on established contacts with state agencies and individual officials in order to facilitate access and to widen the study in geographical scope. Interviews and field research have been conducted in the language of research participants, except in Latvia and Lithuania where English was used as language of communication.

Importantly, interviews may only disclose the official self-representation of interviewees (Skinner 2012). Actors may also adjust their behaviour and withhold layers of consciousness and action when subjected to scrutiny by an assumed critical researcher; a risk that should be carefully considered when the field is ethically sensitive and politically controversial (G. Feldman 2013). Still, interviews and observation say something about what agents conceive as the ‘framework for the acceptable’ (Fassin 2013) and how they make sense of their professional position and work tasks. Moreover, participant observation has allowed us to gain insights into the physical, material, and routine environment in which these actors work (Czarniawska 2012), enabling us to combine notes on what they do, what they say they do, and how they interact with the given environment.

The encounters have followed a multi-sited research design (Hannerz 2003; Marcus 2006), yet our aim is not to compare the national contexts, agencies, or institutional traditions within which our research participants operate. Rather, we wish to demonstrate similarities in the dilemmas encountered and the creative strategies adopted in spite of differences in national and organisational contexts. The empirical material includes encounters with border guards and police officers, migration officials, and asylum camp staff. These are all street level bureaucrats (Lipsky 2010) tasked with implementing migration laws and regulations. They thereby reflect a variety of work tasks and professional roles, yet are not meant to be neither representative of the migration apparatus nor exhaustive. Yet officials across these different institutions all have in common that they are bound to perform work tasks where they hold significant power over migrants who often have a precarious legal and social status (Feldman 2012; Fassin et al. 2015). Their work is ethically sensitive, and they are bound by often-restrictive regulations and contradictory expectations from the political leadership as well as from the public (Ellermann 2009).

The identified commonalities emerged through qualitative analysis, including thematic and pattern coding (Flick 2009; Miles and Huberman 1994). By combining these techniques with memoing, where we worked with remarks and notes related to particular themes, we developed ‘thick descriptions’ for the pattern analysis (Geertz 1973). The empirical samples illustrate instances where creativity in rationales, morals, and practices has been adopted as a strategy for solving moral dilemmas in different instances of migration law enforcement. With this approach, we also deconstruct the notion of a coherent, European-wide migration apparatus (Bigo 2014; G. Feldman 2012) in which actors (unknowingly) work towards a joint goal of maintaining the current migration order. While we recognise the power and constraints enshrined in the diffused set of agencies managing migration, we highlight the situated agency (Bevir and Rhodes 2010) of actors involved, which can either reproduce or subvert this power.

Empirical Investigation: Alternative Tales of Moral Dilemmas among European Migration Control Officials

Judging deservingness

The Red Cross is the main operator of asylum centres in Denmark. Centre staff are tasked with accommodating new asylum-seekers and offer food, accommodation, and daily activities, and facilitate communication between asylum-seekers and authorities. The Red Cross claims to run this business in the “best interest of asylum-seekers”, which regularly puts the humanitarian

organisation and its staff members in a position of publicly criticising the very same regulations they are enforcing. This triggers discussions on the “fairness” of the asylum system in the centre where social worker J. works. For J., the greatest source of frustration is when asylum-seekers are “undeserving”. J. claims to have learnt to distinguish between “real” and “bogus” asylum-seekers while working in the asylum centre, and finds the latter group of individuals unnerving and provocative. Although it does not fall within the centre staff’s mandate to interfere with asylum case processes, J. insists that as a taxpayer with “a strong sense of fairness”, it is a duty to report to the immigration authorities when a resident is trying to “abuse the system” – something a “genuine asylum-seeker” would never do. For instance, J. explains, if an asylum-seeker has two different registration numbers, there is reason to believe that the person in question is lying to the authorities about his or her identity. J. then considers it a duty to notify authorities of the suspected irregularity, even though it goes beyond the professional mandate of camp staff and might adversely affect the asylum process - and outcome.

Going beyond one’s supposed mandate in order to satisfy a personal sense of justice will cost extra time and effort, which is not expected by employers or the work place. In this case, J. takes action with the aim to satisfy a personal sense of fairness by identifying and reporting “undeserving” asylum-seekers. Officials’ creative strategies not only reflect moral positions but also generate new ones, and can take the form of judgments that are disadvantageous or in the favour of ‘clients’ (Plucker and Makel 2010; Puccio and Cabra 2010; Woodman, Sawyer, and Griffin 1993). Negative stereotyping of clients could also be found in other migration control agencies. In some Swiss migration offices, case workers would repeatedly stress that it is crucial to know when to quit the job: it is time to leave when one starts judging and taking cases personally. Still, negative attitudes and behaviours towards migrants were far from absent in the everyday conversations and discussions among staff. However, while such attitudes could easily generate adverse outcomes for asylum-seekers, there are also examples where officials acting on a personal sense of fairness tips the balance in favour of those deemed “deserving”.

The Latvian State Border Guard Service are responsible for conducting internal border controls and policing irregular migration. They are not a decision-making authority, but enforce the decisions of immigration authorities. In a local Latvian border guard service office, we meet L. and A., who associate immigration-related work with administrative burdens and piles of paperwork. Occasionally,

however, it also involves “detective work”, notably during immigration controls and “fake marriage” investigations. During one such detective mission, L. and A. have been ordered to search for a young man of Ukrainian origin who has failed to renew his residence permit and accumulated a number of fines. The man has been known to the border guard service for several years but they have so far not managed to deport him. L. explains that the man has lived his entire life in Latvia and “has no country to return to in Ukraine”, but contends that nothing can be done about it: “he brought this upon himself”. We go along with L. and A. in a civilian car to look for the man, and follow them in their initial disappointment when the registered address proves to be false, and in their conversations with a former girlfriend and the man’s mother, whom we visit in her home. They get the address of a new girlfriend, who supposedly lives with the man and their newborn baby, and L. and A. get excited. As we reach the house of the girlfriend, however, their excitement gives way to doubt. The man is not at home, but after seeing the girlfriend, upset and fearful as her boyfriend is in danger of being deported, and hearing the baby crying, L. and A. start to seriously doubt the fairness of deporting him. “Law is bigger than emotions”, L. sighs; yet they realise how hard the regulations will strike against the man: what chances are there anyway for him to pay back his fines with no work, no connections, and in a generally unstable situation in Ukraine? As it turns out, A. manages to convince the head of office that the border guard service will try to erase the man’s fines, so that he can re-apply for a residence permit with the immigration authorities and stay in Latvia. A. admits they are content with the outcome of the case: “after all, it is not fair to deport somebody who has a child”.

These examples illustrate cases where officials make their own personal judgement on the ‘fairness’ of a given case and go beyond their mandate to assert this judgement. In the latter case, the border guards use their mandate creatively and even bend its limits in order to avoid ‘getting their hands dirty’ and limit what they perceive as unfair implications of law enforcement. We also encountered other cases where officials tried to soften the harsh conditions of law enforcement, even though their actions did not alter its consequences. The following vignette takes place in a Swiss cantonal migration office.

Caseworker W. in the return aid section of a Swiss cantonal migration office handles rejected asylum applicants who agree to “leave voluntarily”, and arranges return aid. W. just received a case of a family who might be ready to

return voluntarily to Albania. According to the rules, they would never be entitled to any return aid, yet if the family returns voluntarily, they would not get a re-entry ban and would not suffer under potential coercive actions if they refuse to leave. However, the case is sensitive. The parents are both deaf and can no longer talk to each other, their teenage son is on dialysis three times a week due to a kidney disease, and communication is difficult. Caseworker W. has several meetings with the family, who initially refuses to leave. Then, members of the family change their minds. W. tries to work out if there is any possibility to get some financial benefits for the family and pays personal visits to the relevant offices to find out what can be done. After the entire family has decided to return voluntarily, W. can secure an amount of money by inventing a project to cover rent and school equipment for the child for six months, as well as medical funds and a small payment in cash. This is a very rare measure, but as it is a particularly precarious case, W. puts in extra efforts to make sure the family receives this special support.

Here it is neither indifference nor a wish to ‘cherry-pick’ work tasks but a feeling of compassion that makes W. come up with creative strategies to secure benefits for the family. The case demonstrates that bureaucratic offices are not only populated by the ‘functionary, middle manager, and civil servant who is cautious, risk-averse, security-craving, obedient, and lacking ambition and expansive ideals’ (Kalberg 2005, 177), but individuals with different personal understandings of their work ethics, devoted to finding strategies to fulfil their work tasks in accordance with their own values and beliefs (cf. Maynard-Moody and Musheno 2000). In other cases, it is not primarily morality but officials’ sense of practicality that is challenged by laws and policies. Officials can then invent strategies that go beyond usual discretionary practices but that do not amount to open subversion of policies in order to compensate for perceived policy inadequacies.

Reasonable law enforcement

K. manages the everyday operation of a Danish asylum centre in the hinterlands since a couple of years. Asylum centres have proved to be a lucrative business for the depopulated municipalities in “peripheral Denmark” (Larsen, Whyte, and Olwig 2015) and instrumental for halting depopulation in these areas. However, the harsh political climate and deep polarisation that characterise asylum and immigration issues in Denmark render the asylum business a sensitive issue. A key strategy for asylum centre operators is therefore to keep a low profile and not

contribute to politicisation, while navigating the constant inflow of new, restrictive measures propagated by the government. K. emphasises that it is of vital importance to maintain a professional approach and not letting emotions, personal engagement, or “humanitarianism” guide your work, even if you might personally disagree with these regulations. Yet maintaining a professional approach does not have to preclude criticism: on the contrary, K. explains that their professional rather than humanitarian mandate allows operators to effectively criticise some of the more “irrational” government policies and even prevent them from being implemented. For instance, they successfully renegotiated a recent governmental bill that would severely restrict the freedom of movement of unaccompanied minors living in asylum centres by arguing that this would only escalate conflicts and jeopardise safety and order in the centres. In this case, all operators had come together and agreed on a strategy to satisfy political calls for more control without making the situation worse on the ground. K. insists that the current political climate has forced public authorities to learn how to “weasel their way out” of restrictive regulations, making sure that new measures make as little difference in practice as possible.

Here, arguments about reasonability and practicality are used by local enforcement agencies to weasel their way out of objectionable political regulations. Rejecting humanitarianism as a principle while making sure policies are humane in practice is presented as a rational and effective way of keeping the agencies’ hands clean, despite disagreeable policies. Practical obstacles to implementation can even be used by organisations as excuses to avoid implementing morally dubious tasks altogether.

G. works in a Swiss cantonal migration office that processes and makes decisions on residence permits. Cases include “hardship cases”, which involve third country nationals who seek regularisation after a long period of irregular stay in the country. The office prides itself of being “laid-back” when it comes to immigration control enforcement. As the “bad pupil” with among the lowest numbers of detained irregular migrants and enforced deportations in Switzerland, G. explains that his office simply “doesn’t make a big deal out of irregular migrants”. Removals of families are always particularly difficult from an ethical standpoint, and G. explains that in practice, authorities make sure not to deport children during school term, or during Christmas or Easter. This leaves the police only a few summer weeks per year to enforce deportations – so no wonder

deportation rates are low. Instead, the migration office has developed an informal practice that aims to facilitate regularisation to the greatest extent possible, and has established a “special offer” where irregular migrants can ask for the office’s advice on their cases without risking deportation. G. explains that the office has received criticism for their relaxed attitude from the federal political and administrative authorities; yet local humanitarian organisations and human rights advocates are pulling them in the opposite direction. For G., good work falls somewhere in between following procedures and making necessary exceptions when law enforcement seems “unreasonable”.

The above examples demonstrate public agencies’ strategies to manage regulations that appear not only as ethically problematic, but also unpractical or even inapplicable, for instance when families are to be deported in a ‘humane’ or ‘reasonable’ manner. These practices also offer a pragmatic response to *conflicting expectations* from the political and/or public sphere (cf. Ellermann 2009). In using practical arguments against policy-makers and managers, they effectively avoid getting their hands dirty (March and Simon 1976) by finding ways to limit the application of morally challenging tasks without referring to them as such.

“Reinterpreting professionalism”

During the so called “refugee crisis”, migration control officials recalled facing challenges in managing a heavy work load and balancing conflicting demands for refugee solidarity and border closure. Faced with practical obstacles and value conflicts, officials would find guidance in their personal judgement, while justifying their actions with reference to “professionalism”.

C.J. is a police officer in a Swedish region that experienced a major increase in refugee arrivals in the summer and early autumn of 2015. The Swedish police named this a “special event” and thereby opened up for exceptional practices, the implications of which were interpreted differently in different police districts. C.J. and colleagues are under “normal” circumstances supposed to register and detain third-country nationals who enter or reside on the territory without authorization. In 2015, however, C.J. remember entering “a legal grey zone” where maintaining order and easing tensions between volunteers and asylum-seekers on the one hand, and authorities on the other, was set as the police’s main priority. Immigration control was only of secondary concern. C.J. was proud of their improvised solution to the situation: asylum-seekers were offered temporary accommodation in a transit hall where they got a well-needed break from their

travels and could prepare for what C.J. thought of as “the decision that would be a major turning point in their life”. Here, they would decide for themselves whether to apply for asylum in Sweden, or move on to Norway or Finland, in direct – but unofficially tolerated – violation of the Dublin III Regulation. C.J. explains that while the rule of law and its fair application are of vital importance, interpretations of regulations are necessarily made in a grey zone, and have to be flexible.

What C.J. describes is a situation where the police were required to make priorities between maintaining public order and enforcing immigration control. In framing public order as the pragmatically and morally ‘most reasonable’ goal, favored not only because of resource shortages but also as a way of offering asylum-seekers a fair chance of making their life choices in peace, the police chose an alternative reading of their professional mandate to bend the rules of immigration control. Here, professionalism was creatively used as a tool for solving a dilemma of conflicting expectations by suspending routine practices. Importantly, however, the police did not act autonomously, but chose to take a course of action within the structural constraints in which they operated. Their professionalism enabled them to make a choice that was more in line with their personal preferences.

A Moral Dilemma?

The vignettes highlight situations where street-level officials have used proactive, creative strategies to address the challenges they face in the everyday enforcement of migration control. Officials face conflicting expectations from the public and political leadership, and value conflicts in their encounters with target individuals (Fassin et al. 2015), which might cause them stress and frustration. While their mandates remain constrained by rules and guided by traditions (Zacka 2016), rule compliance can generate moral dilemmas if rules go against officials’ personal values. Yet in line with Maynard-Moody and Musheno (2000), we find that officials do not primarily seek to make their work simpler. Their main aim is instead to align work practices with what they deem as “fair” (examples of J., and A. and L.), “practical or reasonable” (K. and G.) or in line with their personal understanding of their work ethos (C.J.). For this purpose, they use discretionary or informal practices to either address or reformulate the dilemma of “dirty hands” (Walzer 1973; Weber 1978) or find other solutions before their hands might even get dirty. In doing so, public officials actively (re)produce “street-level justice” (Fassin 2013), which is not only based on laws and regulations but also builds on their personal judgements and feelings of resentment or compassion. In these cases, by judging migrants’

deservingness (Yarris and Castañeda 2015), officials actively engage in the reproduction of stereotypes that are informed by class, gender, nationality, and ethnicity. In doing so, officials assert and reify a social order, with concrete implications for targeted individuals. Acknowledging the mix of these different strategies, be they creative, active or passive, avoids stripping officials of individual responsibility.

Our examples include officials working in different states and in different organisational and professional environments. The dilemmas they encounter and their opportunities to act upon them are therefore also different (cf. Williams 1978). Nevertheless, we find similarities in how they actively partake in and shape the government of precarious life (Fassin et al. 2015) by shaping *how* decisions to reject, detain, or selectively allowing irregular migrants to stay or move on are made and carried out in practice. While the dominant view in public administration research points towards simplification, depersonalisation, and dehumanisation as prominent features of modern bureaucracy (Bauman 1989; Herzfeld 1992; Feldman 2012), these are stories of how the ‘self’ is maintained and asserted in a bureaucratic system (Handler 1990).

This also has implications for our understanding of the apparatus of migration control (De Genova and Tazzioli 2016; G. Feldman 2013). With these stories, we have sought to highlight how the migration apparatus is shaped and contested not only by migrants’ subversive actions, but also from within the state apparatus. In line with the literature on street-level bureaucracy, we find that officials take an active role in shaping policy implementation (Lipsky 2010; O’Kelly and Dubnick 2005; Zacka 2017, 2016) and the moral framework of migration management (Fassin and Kobelinsky 2012; Fassin 2013; Fassin et al. 2015; Feldman 2016). As has been well described by Ellermann (2009), the dilemmas confronting officials are inherent to, and constitutive of, these essentially coercive practices. Creativity and improvisation can therefore be understood as strategies to close the gaps produced by the structural deficiencies of migration control. Hence, while this dynamism within bureaucracy challenges the image of an impersonal, disassociated and cold migration apparatus, we suggest that it is also necessary for the functioning of migration control as a policy field ridden by intense politicisation and conflicting goals. The “humane face” of bureaucracy can on the one hand nuance the image of a unified, indifferent migration control apparatus (Feldman 2012), by revealing its internal contestations and contradictions. On the other hand, it generates unpredictability and arbitrariness of state practices for those who are subjected to its power.

Conclusion

The above stories of migration control officials across different European states and bureaucratic agencies reveal a field of law enforcement ridden by ethically and emotionally sensitive decisions, and conflicting expectations from policy-makers, the general public, and migrants. We found that officials use a variety of creative strategies to address and navigate these ethical challenges, including asserting their professional ethos against regulations, subtly resisting tasks that did not make sense or appeared as inapplicable, finding ways of ‘humanising’ harsh measures, or going beyond their mandate to compensate for perceived injustices. The outcome of their efforts could either be to the benefit or the disadvantage of migrants, yet all involve an active creation of alternative work narratives and practices. In contrast to descriptions of a depersonalised bureaucratic apparatus where officials perform their work tasks with indifference (cf. Herzfeld 1992; Feldman 2012), we found that officials go beyond merely ‘coping’ with conflicting demands and moral dilemmas, and instead go great lengths to insert their “self” in bureaucracy.

In the ongoing debate on whether bureaucratic impersonality is for good or for bad, it seems paramount to keep in mind the lethal danger of officials ‘just doing their job’ without moral reflection (Arendt 1963; Bauman 1989), relieving themselves of personal responsibility for their actions. On the other hand, it has been argued that the Weberian ideal of an impersonal, professionalised, hierarchical bureaucracy serves as protection against arbitrary decision-making and ‘unchecked’ violence of control agencies (Mutsaers 2015). Yet none of these risks can be completely resolved by disempowering the street-level bureaucrat, as he or she constantly engages with and compensates for the perceived moral arbitrariness inherent in public administration (Spicer 2010). What is more, the challenges facing public officials also demonstrate the fractions and conflicts of interests, values, and aims that characterise the internal life of the European migration apparatus. These internal frictions can be considered a condition of possibility as well as a source of arbitrariness and uncertainty. With this paper, we have demonstrated how migration control officials actively and creatively engage in the reification and contestation of the moral and legal frameworks of this apparatus. Acknowledging their ‘situated agency’ is important not only to understand the nature and functioning of migration management, but also for addressing the dilemmas of policy enforcement in morally and politically contested areas more generally.

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4. 2 Using Ignorance as (Un)Conscious bureaucratic Strategy: Street-Level Practices and structural Influences in the Field of Migration Enforcement

Borrelli, L. M. (forthcoming). 'The Using and Making of Ignorance: Street-Level Bureaucrats and their Strategies in the Field of Migration Enforcement.' *Qualitative Studies*.

Abstract

Street-level bureaucrats working in the field of migration enforcement have the uneasy task of finding irregularised migrants and processing their cases – often until deportation. As the encounters are unforeseeable and characterized by tension and emotions, bureaucrats develop practices and strategies, which help them to manage the often very personal encounters. Besides the frequently debated strategies summarised under the term 'copying' mechanisms and the problem of 'dirty' or many hands, ignorance as a tactic in the daily work of bureaucrats has not been studied to a sufficient extent.

This work looks at how ignorance, including deliberate not-knowing or blinding out, as well as undeliberate partial-knowing or being kept ignorant, is used in public administration, through multi-sited, ethnographic fieldwork in migration offices and border police/guard offices of three Schengen Member States: Sweden, Switzerland and Latvia. It distinguishes between structural and individual ignorance, which both have the ability to limit migrant's agency. Further, by analysing their intertwined relation, this article furthers our understanding of how uncertainty and a lack of accountability become results of everyday bureaucratic encounters. Ignorance thus obscures state practices, subjecting migrants with precarious legal status to structural violence.

Keywords: Bureaucracy, Agnotology, Ignorance, Migration, Public Administration, Discretion

Introduction

I am taking part in a summons regarding the deportation of a family to Italy. The Swiss Cantonal Migration Officer F asks the father if they are willing to leave. He answers: 'Would I be alone, yes, but I have a family. We do not want to live like animals. It does not suffice - food, portable toilets, no roof over our heads. And they are threatening us to deport us back to Lebanon.' F does not react to this answer and continues working on the forms, in front of his laptop, skipping to the next question: 'Do you have other documents than your identity cards?' – 'No.' The situation is tense, the translator gets increasingly

uncomfortable, one of the children is about to cry. A quick exchange on the poor mental and physical health of the family is followed by the father's comment: 'I am not responsible if something happens to my family. You are responsible.' F continues filling in his forms, turns around to the translator, with a final remark and question: 'Yes, sure. You are communicating in Arabic?' (Swiss Cantonal Migration office 2016)

Bureaucratic encounters, such as the one above, have often been characterised as painstaking, absurd and chiefly as a violent interaction caused by bureaucratic indifference (Herzfeld 1992). Also recent and former fictional depictions of bureaucracy (see Loach 2016, Kafka's 'The Trial' 1925 and Gogol's 'The Overcoat' 1842) regularly take up the issue of a careless and user unfriendly, even hostile environment of public administration, elucidating what Gupta (2012) described as individuals' - including the welfare 'poor' (cf. Gilliom 2001b) or migrants³ - experiences of structural violence in encounters of public administration.

The fictional and actual study of bureaucratic behaviour (cf. Lipsky 2010; Fassin 2013; Herzfeld 1992) mutually highlight a general disinterest and incomprehension on the side of the bureaucrat towards their clients. The arbitrary position towards the applicants' needs is especially observable in forced encounters between migrants with precarious legal status and street-level bureaucrats, discussed in this work. For this marginalised group, bureaucratic interaction usually implies a negative outcome: detention and deportation.

However, the encounters are not only demarcated by indifference or disinterest, but also by ignorance. In order to understand the dynamics of these emotionally laden and contested encounters, disregarding whether the interaction happens willingly or is coerced, this work will introduce the theoretical concept of ignorance, which adds to theories on street-level bureaucracy. Ignorance as deliberate or undeliberate lack of or gaps in knowledge (in a simplified definition), contributes to our understanding of bureaucrat's everyday practices within the migration regime as it reveals how (non-)knowledge can be (un)consciously used by all actors involved, including bureaucrats and migrants, as well as be an inherent part of the 'state' and its structures.

This article thus analyses the creation and use of ignorance in government agencies dealing with the enforcement of migration policies on a structural and individual level. While

³ This article wants to highlight that besides the seldomly 'voluntary' visit of individuals to the municipality or other state agencies, migrants are neither citizens nor 'client's' of welfare, and as such are not entitled to be treated as such. Encountering bureaucrats is often forced upon these migrants with precarious legal status on which this study focuses and strongly impact on migrants' lives. Throughout this work I will refer to the term 'migrant with precarious legal status' if generally talked about; otherwise I will refer to the respective legal status, such as detainee, Dublin deportee, rejected asylum seeker, and other.

it postulates that ignorance is an inherent and integral part of the otherwise non-unitary state structure, it steps further and aims to analyse the street-level bureaucrats' use of ignorance, which includes un-knowing, partial knowing or blinding out knowledge. By analysing the intertwined relation between structural and individual ignorance, this work is able to contextualize uncertainty and lacking accountability as outcomes of daily bureaucratic encounters. These include the gap of knowledge on procedures which either are not part of the daily work, or - having a greater impact - should be known but are ignored. On a more moral level, it encompasses bureaucratic behaviour regarding the more personal side of the encounters, where empathy might be kept hidden, because of more personal reasons and pragmatism. It is thus able to not only raise relevant concerns about how administrative and moral aspects of ignorance create intangible practices and emotionally charged encounters, but also unsound practices.

The analysis, looking at strategies of ignorance used by bureaucrats, migrants and within state structures, is preceded by a theoretical conceptualisation of ignorance in relation to indifference and uncertainty. It is followed by a brief methodological description of where and how fieldwork was conducted. Finally, the conclusion summarises the tactics used in the daily work of public administration. Distinguishing between different individual and structural ignorance facilitates a better comprehension of how structural violence, uncertainty and diffusion of accountability are reproduced, but also under what circumstances.

Theoretical Framework

When conceptualising discretionary spaces, several strategies such as coping mechanisms (de Graaf, Huberts, and Smulders 2014; Tummers et al. 2015), cherry-picking or foot dragging (Scott 1990; Lipsky 2010; Eule 2014b) explain the realities of public offices. Further, routinisation and attitudes of indifference to detach oneself from work practices (Blau and Meyer 1987; Herzfeld 1992) and the diffusion of many hands (Thompson 1980) underline ways of bureaucrats dealing with their everyday work, reducing their accountability. With Tummers et al. (2015) broadly conceptualise coping as 'behavioural efforts frontline workers employ when interacting with clients, in order to master, tolerate, or reduce external and internal demands and conflicts they face on an everyday basis' (Tummers et al. 2015, 1100; also Borrelli and Lindberg 2018 on creative strategies), coping presupposes a conscious action. Ignorance in contrast does not only materialise in reactions to the cross pressure of policy demands, citizens' claims and the state agencies' organisation, or as practices reflecting personal ideas and values, which are actively pursued. Instead it also encompasses more unconscious moments, where one is not aware of knowledge, or moments where one is held ignorant. Ignorance thus plays a

crucial role in migrant-bureaucrat encounters, since it brings forwards how it can be used as coping mechanism, but also how it is structurally placed and unconsciously imposed, while influencing the everyday practices and reflections of street-level bureaucrats (as well as migrants).

Ignorance can surely be found in other administrative contexts and thus applies to other bureaucrats, such as social workers or teachers. While the findings can be used in a broader context, this study however wants to highlight the particularity of the public administration studied here. Within the 'migration apparatus' (see Feldman 2012), bureaucrats work in a field of severe ostracism and coercive practices towards an already strongly marginalized group. In this apparatus I argue, bureaucrats can either use ignorance as a tactic to enforce power-inequalities pre-established by legal frameworks, or subvert them. They are at the same time influenced and constrained by their knowledge and the gaps, created by the structural organisation of state agencies. In either way, the existence and use of ignorance, passive or active, subtle or crude, highlights the extreme situation migrants face in their everyday lives, as well as the state's capacity to govern migrants with precarious legal status.

As such, the use of ignorance in context of irregularised migration highlights the reproduction of structural violence, and also reveals how ignorance that is structurally imposed on the bureaucrat supports the increasingly restrictive position of the researched countries towards migration (see Borrelli 2018; Eule et al. forthcoming). Indeed, similar to Herzfeld's (Herzfeld 1992, 1, 18f on the selective application of rights within otherwise democratic and egalitarian ideals) and Arendt's (Arendt 1963, 283) take on how given bureaucratic structures create and amplify indifference and a banal evil among frontline staff, their legal mandates and tasks of the interlocutors, as well as how the organisational structures facilitate ignorance; something presented in the analytical section.

Defining Structural Violence in Bureaucratic Encounters

In the following, structural violence will mainly be understood according to Galtung (1969) and Gupta (2012). While Galtung (1969) names unequal distribution of power and unequal life chances, caused by poverty, marginalization and exploitation (Galtung 1969, 171; see also Rylko-Bauer and Farmer 2016; Garver 1973), Gupta (2012, 20) adds the inability to identify a single actor responsible for a violent act to the concept of structural violence.

Though this concept is mostly used when studying the loss of life due to social conditions (Høivik 1977; Simmons and Casper 2012), the depicted encounters between street-level bureaucrats and migrants with precarious legal status strongly reflect structural violence in a more banal way. Especially since irregularised migrants are a marginal group with fewer

rights, though often contributing with work and tax payments to societies which reject their presence (Chauvin and Garcés-Mascareñas 2014), it is they who are systematically being denied agency (Jackson 2013) through the use of ignorance. Thus, combining the concepts of ignorance and structural violence will not only tell us how the former supports the latter, but also how ignorance legitimises structural violence as it limits the ‘other’s’ agency, for example by consciously creating knowledge gaps and not acknowledging the other’s aspirations and thus, voice. It highlights the inequalities that shape power relations between the migrant subject and the ‘state’, represented by the bureaucrat in the European migration regime.

The relation between indifference and ignorance

“The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity.” (Shaw 2015)

Following the Oxford dictionary, indifference is described as a ‘lack of interest, concern, or sympathy’, including a notion of unimportance. Connected to Nair’s (Nair 1999) understanding, indifference is the ‘language of denial’, ‘achieved in institutional set-ups where bureaucratic rules end up thwarting, even damaging, every people they were meant to help’ (ibid.: 13). However, bureaucrats do not simply treat each case similarly, thus suggesting indifference can be characterized by an absence of feelings (Watkin 2014, 50), but bring their attitudes into the processing of cases.

This stands in contrast to indifference as absence of meaning or relationship (Deleuze 1994). Indifference is a disinterest towards the person, which does not motivate the bureaucrat to familiarise themselves with the client’s case file or history. Ignorance can instead be influenced by (unconscious) knowledge gaps, personal values and an active manipulation of information. While both indifference and ignorance can help the bureaucrats to not step beyond their actual tasks, ignorance goes beyond the concept of ‘not caring’ and can function as moral resistance (R. N. Proctor 2008). Although both, ignorance and indifference often refer to denial (Nair 1999) and are immanent in the space of bureaucracy, both terms have to be seen as related but not equal concepts.

Understanding Uncertainty

Besides indifference being partly connected to ignorance, uncertainty also plays a crucial role in understanding how structural violence is produced and upheld. This work argues that besides the general uncertainty existing in migrants’ everyday life, it is strongly produced through ignorance during bureaucratic encounters. Especially in context of deportation and detention,

where power struggles and unequal forces are tangible, uncertainty is a serious outcome for the migrants, who are held in a status of ‘not knowing’ or imperfect knowledge (Smithson 2010). Uncertainty is linked to an outcome which lies in the future, characterised by delay and distance (cf. Beck 2008), although its consequences are fairly palpable (e.g. anxiety, stress).

This differentiation is crucial with regards to the outcome of ignorance. The latter is able to maintain and manipulate behaviour, knowledge transfer and information, resulting in uncertainty as a mode of being kept ignorant and manipulated (Proctor 2008). Thus, ignorance encompasses gaps of knowledge and forms of resistance (ibid., 8), while actively or passively producing uncertainty.

Understanding Ignorance

Ignorance has been defined in various ways in scholarly literature (cf. Smithson 1989; Galison 2004). While individuals are limited in capacity to handle information (Douglas 1986, 55) and do not have access to all knowledge, they also have the ability to *decide* what to know (Stel 2016; also Beck 2008 on the conscious or unconscious inability-to-know). Thus, ignorance cannot be understood as pure absence of knowledge (Croissant 2014) or stupidity (Gupta 2012), but as something, which can be actively upheld and maintained or also manipulated (McGoey 2012b). By using ignorance as an active or passive strategy to cope, evade or engage with situations, individuals show varying degrees of agency remaining players ‘acting within relations of social inequality, asymmetry, and force’ (Ortner 2006, 139). Subjects are partially knowing (Giddens 1979), underlining not only the selective vision of ignorance, but also the individuals’ ability to act on and sometimes against the structures that made them (Ortner 2006, 110). Consequently, ignorance is entangled in human relations and interactions.

While there is a difference between conscious and unconscious ignorance, which can lead to either active or passive strategies of ignorance (one can consciously not seek for information and knowledge which is available, thus rendering oneself passive; while one can unconsciously be ignorant due to a lack of knowledge and information available), this work rather focuses on the origins of ignorance. While trying to elaborate on how (un)conscious or active/passive certain ignorance is within the following analysis, the main argument in this work is the twofold nature of ignorance. First, it is created by a structural setup of the state and its agencies, which through their rules, frameworks and hierarchies create opportunities for ignorance to arise. This institutionalised ignorance (Beck 2008) is constructed, preserved and - with time- reproduces itself through the practiced (un)conscious and active or passive ignorance of street-level bureaucrats. Second, personal values and opinions can create strategies of ignorance, which do not necessarily go against the structural setup, but have the potential to contest the state and policies. Thus, while state structures can create gaps of knowledge and

ignorance which the street-level bureaucrat may be unaware of, leading to a reproduction of structural violence through routine practices and the selected knowledge acquired by bureaucrats, bureaucrats also have the ability to consciously use ignorance to follow their own values, make work easier (see coping), or to reproduce the structural ignorance placed upon them in the first place. Similarly, migrants can make use of strategies of ignorance or being kept ignorant by the bureaucrat or the ‘state’.

The key contribution of this work is that it highlights the violent outcomes of the interrelation between structural and individual ignorance, enhancing intangible practices. While ignorance embedded in public administration seems to be part of any given discretionary space, and thus still legally sound (though ultimately morally contestable), the created gap of information can force street-level bureaucrats to tinker practices which might follow the intention of policies, while at the same creating unexpected outcomes.

Ignorance on the individual level can contest the structural side, to the (dis)advantage of the migrant with precarious legal status. Bureaucrats can resist legal guidelines and frameworks (consciously or not), including situations where bureaucrats ignore what should be known regarding their routines and legal procedures. This ‘stepping beyond their actual mandate’, thus moving in the realm of unsound practices, can lead to sanctions (job loss), but also highlights how ignorance can be morally charged and produce harm. Indeed, ignorance on an emotional level can block out and neutralize (Sykes and Matza 1957) everyday encounters with clients defined by ‘spontaneity, perishability, emotionality, vulnerability’ (Geertz 1973, 399). This production of ‘anonymization of persons’ (ibid., 398) or distancing (Eule 2014) allows encounters not to become personal, while still processing cases as expected. Generally, screening or shutting out are forms of denial where the individual only sees partially (Cohen 2001).

Finally, asking who doesn’t know and why not, can map the political geography ignorance creates. Bringing structural and individual aspects of ignorance together advances and understanding of how systems of oppression aim to silence the subject (Tuana 2008, 109) as the deliberate maintenance of un-knowledge and the withholding of information towards migrants decapitates them.

Methodological Framework

This article is based on several months of ethnographic fieldwork in migration offices (Switzerland, Latvia), border police units (Sweden) and border guard services (Latvia), as well as local police units (Switzerland). The selection of these three countries is based on the interest to study state agencies’ answer to irregular migration within the Schengen area, as well as to

the given access possibilities. While Sweden and Latvia are more centrally organised and Switzerland has a federal structure, further differences are found in the diverse geographical position (external and internal borders), organisational set-up, migration policies and migrant populations arriving. However, structural and individual strategies of ignorance play a crucial role in the everyday life of each group of bureaucrats, no matter how diverse their tasks and education are. Thus, this work can contribute by bringing forward crucial similarities, which have a strong effect not only on the bureaucrat, but also on case outcomes, thus finally on the migrant with precarious legal status.

Between 2015 and 2017 data- deriving from participant observation, semi structured interviews and formal interviews or conversations- was collected. It was triangulated with the study of internal policy papers and case files (Flick 2011). The observed interactions between migrants and street-level bureaucrat, including (mobile) police officers or case workers in the office, have in common that the migrant subject was always in a precarious legal status. Either their asylum application was rejected and they were pushed to leave the country, they worked illegally (sometimes without knowing), or were placed in detention to await deportation. Regarding the used field notes, street-level bureaucrats have been named with capital letters and gender pronouns have been avoided.

The collected recounted stories are situationally produced (Ewick and Silbey 1995) but embedded in a larger context producing meaning and disclosing power relations which are hidden in social meaning. In order to study ignorance, participant observation helped to pinpoint moments where such ignorance became more evident. At the same time the interpretation of observed scenes and recounted stories connected to written statements and reports allows for a deeper understanding of ignorance already inherent in the government structure.

Ignorance in street-level encounters

The following observation was collected during fieldwork at a Swiss Cantonal Police Station 2017. Depending on the size of the canton and the number of foreigners living in it, the cantonal police will have a specialised unit taking care of deportations and detentions, and also informing other police units about the current migration status of apprehended foreigners. The unit receives cases, and thus people, they have to detain and deport through the cantonal migration office. The excerpt highlights the manifold ways in which ignorance is present and how it is linked to indifference.

G (a police officer of the migration police unit I am visiting) invites me to follow him to the detention centre and quickly informs me about the detainee. Believing the detainee is

from Eritrea, after briefly screening the files, G translates a couple of sentences in Tigrinya. I ask if G knows about the detainee's other language skills, but H shrugs. Besides, the sentences translated only cover the section on health, "the rest will be fine [...], we'll see how it works out." No phone translator is arranged. However, when we enter the meeting room, G searches for a translation of the detention order in Amharic. After looking at the case file more closely G finds out that the detainee turns out to come from Ethiopia. When a translation cannot be found, G does not bother and takes out an English one. I have time to screen the case file. The detainee will be sent to Germany. My attention wanders off to the great amount of available languages of the detention order. All other forms are only available in German and English and are brought by the officer. G remarks: "Well, if the intellect is missing, he can sit here for an hour, read and not understand anything. But with this translation he at least has something in his hands." G also explains that the detainee should have received the deportation decision while in the reception centre, and thus assumes he knows what is going to happen. When the detainee arrives, G begins the conversation in German and after not hearing what the detainee answers switches to English. G: „Do you speak English?“ - „Small.“ G: „Small, ok. My name is G. I am from the police. You know your situation?“ The detainee seems confused. G: „No Asyl in Switzerland. Asyl is finished here.“ G hands over the detention order. „This is my order. You sign? You go back Germany. You sign or not, what you want.“ After a couple of minutes of unsuccessful communication, the detainee, though explaining he does not understand what the form means, agrees to sign. G has still not enquired about the detainee's mother tongue and continues to believe it is Amharic. Therefore, G hands him the next forms in English. Finally, the detainee asks if there is a Somali translation – he does not speak Amharic after all. G looks at me and I nod. The next form informs the detainee about the entry ban to Switzerland. G: „The territory of Switzerland is closed for you. 3 years no Switzerland. Only information – migration gave it to you, just info. You sign or not?“ Again the detainee mentions he does not understand but signs. G replies: „You understand? Yes, you understand. The territory of Switzerland is closed to you for 3 years and you can say to the problem what you want here (pointing to a line on the form). I explain you situation now. You understand.“ G points to the line where the detainee could make a statement on the entry ban. „You can say sign or not sign.“ Again the detainee mentions he would sign even though he does not understand. Now, G starts to get a bit insecure, decides to put 'signature denied' on the form and signs himself. Then G looks at the detainee: „But now you know the situation in Switzerland.“ (Swiss Cantonal Police Unit 2017)

The field note starts out with the indifferent attitude of G towards the detainee. By not looking closely to the file, G overlooks relevant information for the encounter and acts indifferent towards the case and the detainee. However, besides the disinterest towards the client, G also does not deem the available information as relevant for the work task, thus ignoring it, keeping the file closed. The officer is confident to know enough to be prepared, which turns out to be wrong. Further, the quality of the encounter is of no interest to G, reducing the level of information exchange to a minimum, as G assumes all relevant information has been given to the detainee beforehand. Thus, what starts out as an indifferent attitude, discloses several strategies of structural and individual ignorance going beyond what indifference is able to explain.

While the active refusal to understand can be seen as an act of agency, moments where migrants genuinely do not understand are not. The detainee is not aware of what will happen to him and voices his struggle to understand. However, he is willing to sign the forms, disregarding his lack of knowledge. He is literally depending on the knowledge of the officer, who decides how much to share, since he is detained, without access to other knowledge. As I encounter many of these interactions, it is valid to mention that power inequalities (Galtung 1969) and thus structural violence are very much present at any moment, as each interaction is characterised by different amounts of information handed out, thus decapacitating the clients to various levels. During hearings of the Swedish Border Police regarding the prolongation of detention the officers clearly explain that no further questions will be discussed. Any attempt to break this rule is met with firm refusal to answer and repetition of this rule (field notes 2017). It is they who decide how much information is shared and it is them who decide if the other has understood.

While the bureaucrat is able to withhold information at any time, leaving the client in a state of un-knowledge or partial knowledge and thus uncertainty, the migrant? Police? has only limited influence. This is partly supported by the procedures of the system, in which the officer is the last one in a line of bureaucrats who processes the case, thus accepting it without much reflexivity. He does what is expected of him.

Street-level bureaucrats often explain their blocking of client's questions with their lack of responsibility. To them more knowledge given to the migrant would not make a difference (see G) as they perceive cases as closed and clients should understand that 'this' is the end of all procedure, that it is time to leave. B, a caseworker in a Swiss cantonal migration office, explains: 'Other colleagues might read through the asylum application interview, but I do not. It is of no interest to me, it is all lies anyway (laughs). I just know, this person has to go and I do it. The national migration office can take care of the rest' (field notes, 2016). Like many other colleagues the caseworker simply practices the 'won't tell, [...] don't know, and frankly

[...] don't care' attitude (Bauman 2008, 70). Knowledge of the case is irrelevant, as according to B one does not need to know a case in order to process it.

Also, all interlocutors imply that acquiring of more information might not reduce uncertainty or ignorance, but can lead to confusion where information conflicts (Smithson 2010). Ignorance is thus presented as a strategy to avoid complicated encounters to supposedly 'help' the client to understand. The decisions taken are within the given framework, and thus resemble the everyday discretionary choices bureaucrats make.

Refusing to get acquainted with a case more than the officers deem to be necessary is thus a 'professional' decision developed with experience. Many times, I get a quick shrug when asking about details of the cases, added by a short: 'I do not know' or 'I do not care'.

Reducing the intake of information might facilitate the workload as it takes less time to get familiar with a case, thus only 'relevant information' to fulfil a task is screened. Officers working with detention and deportation do not need to know the entire asylum request, the stories told and the reasons for rejection. In their everyday work, they are the ones 'executing orders' (field notes 2016-2017). Taking in more information than is relevant to implement their work is time consuming. While not necessarily misleading the clients of public administration, the ignorance of personal stories and information – for whatever reason - adds a moral value to the denial of migrants' agency. Like F in the first field note, limiting the encounter to a set of simple questions asked to the detainee keeps the conversation and discussion to a minimum. Uncomfortable knowledge is kept at bay and dismissed (Rayner 2012).

However, while police officers/border guards are not bound to double-check cases and screen decisions already taken by the migration office or migration courts, their work needs to be grounded on correct decisions. Some information is relevant to perform well, and thus the process of deciding what to read and what not is crucial. Also, by reading decisions and files, officers could have the opportunity to function as a last control mechanism, while also being emotionally and professionally responsive to their opposites.

Besides the active ignorance of available facts, the field note elucidates G's lack of knowledge, increasing the probability of flaws. While G does not seem to bother to get a decent translation, G is also unaware of the existing languages of the detention orders, thus acting on partial knowledge or even non-knowledge. This negligence can cause serious trouble for the processing of cases and of course for the individual who might be detained or deported. While individuals cannot and do not know everything (Douglas 1986; Croissant 2014), G's attitude goes beyond simply being careless, but remains entirely confident, assuring me the meeting went as expected. This reduction of the migrant to a passive element, denied the same capacities, reproduces structural violence (Gupta 2012). Despite getting familiar with someone's case in order to address them correctly as sign of respect (cf. Smithson 1989), G also denies the detainee

a proper translation, creating unsound administrative practices caused by ignorance. Legally, G has to meet the client in detention, who has a right to be heard, though due to the ignorant strategies it actually loses its validity, as the client does not understand what will happen to him.

Street-level encounters strongly reflect the function of ignorance as reinforcement of traditional values and maintenance of privileged positions and expertise (Moore and Tumin 1949). Obviously, there is different access to knowledge and it is the street-level bureaucrat who can choose to disclose information in order to fulfil their task or follow their own moral sentiments (or not). At the same time, it underlines the broad discretionary space they have in defining their tasks. As such, informing the detainee is highly subjective. To G the tasks are fulfilled sufficiently. Where street-level bureaucrats follow readymade patterns and engage in a common idea of how the job is done, ‘the individual’s notions of right and wrong are rigidified [and] susceptibility to new knowledge and influence is minimized’ (ibid., 791).

Also, many bureaucrats assume that all of their clients lie (see B) or are well-informed (G) accounting for the unwillingness of street-level bureaucrats to repeat explanations on procedures and thus ignorance. Some officers preserve stereotypes, depending on narrowly defined roles, reducing information on the otherwise often personal encounters. This type of ignorance is required, ‘whenever knowledge would impair impersonal fulfilment or duties’ (Moore and Tumin 1949, 793). For officers, ignorance often functions as a as positive and active element of operating structures, thus does not leave the structure dysfunctional (ibid., 795). In contrast, the migrant experiences a great decrease in agency. G’s rhetoric question ‘You understand?’ and own answer ‘Yes you understand’ are just one example of many encounters, where bureaucrats did not listen sufficiently. The asymmetry of power structures visible in these encounter prove how quickly ignorant behaviour is produced and used in everyday encounters. For G the meeting is one of many, a practiced routine, thus so banal that the actual execution of meetings easily whitewashes structural violence (R. N. Proctor 2008; Slater 2012).

In other situations, officers might resort to more passive ignorance, letting clients talk and ask questions, without taking the stories and concerns into account. F resumes work, filling out papers, while the clients continue talking and explaining. Here the client’s voice might be allowed, but not heard. It is not simply indifference but the assumption of irrelevance that lead officers to neglect knowledge and information. It is also a strategy to meet the expected outcome: filing forms, thus keeping up productive tasks, is combined with teaching the client a lesson: no matter how much one complains, what story is told, there is nothing that can be done. Ignorance becomes a productive asset to justify and evade responsibility (McGoey 2012a; Stel 2016). The stalling (Stel 2016) and stonewalling (Sedgwick 1990, see also F) is an intentional strategy to reduce the intake of information, thus highlighting the resistance to get involved too

deeply, which functions as a coping mechanism (de Graaf, Huberts, and Smulders 2014; Blau and Meyer 1987).

O: 'The back side of the job is: If you see more than the usual human being sees, your mind set changes. One is more involved and knows more.' (Field Notes, Swedish Border Police 2017)

What O refers to is the struggle to leave work with a free and unbothered mind. O previously worked as border control staff at the Airport, where 'one hands over the case to another person. It is easier to switch off and the next day one comes back and one has something new.' Instead, in the current job as a regular border police case worker O follows cases until deportation, which 'is sometimes not that easy' (field notes 2016). When thinking about the caseload, O mentions having been involved in about one hundred cases since starting the job 5 months ago. 'I should not think about it. It is nearly the same as to think about the universe.' However, it is not only the sheer amount of information, but also the personal involvement in cases, which makes it difficult for street-level bureaucrats to 'switch off'. Efforts to blind out personal stories and values, which might interfere with their work is met with strategies to reduce involvement.

While the 'shutting out' of daily work experiences is connected with taking a break from the 'job', tasks and eventually unpleasant encounters, the blocking out of personal views reduces friction regarding the execution of tasks. However, being ignorant towards ones own emotional and political viewpoints might reduce the ability of reflection. Declining to reflect on one's own positions during work might disrupt the carefully maintained work free zone of private life, underlining the struggle officers might go through to be able to ignore.

However, the use of ignorance can also be directed against the agency, the structure and thus the state, highlighting individual ignorance regarding bureaucrats' own views and norms. Refusing to take up orders and going against guidelines and regulations is an active decision to ignore, and to follow own hidden transcripts (Scott 1990). This bears the danger of taking up more discretion than the structures grant, and results in less common, but more disruptive moments.

A person from the National Swiss Migration Agency calls the cantonal migration office – a man with an Italian residence permit was apprehended, but the cantonal office decided not to take any actions because he has refugee status from Italy, as well as an Italian residence permit. The national office wonders why they did not detain, as he could still be returned to Italy. U later tells me: "They just wanted to get rid of him, or put him in jail, but he had documents. If they seem valid, one has to let him go. The Italians should have told the national office about his documents." U walks over to W's office and summarises the call. W: "Everything is perfectly fine. It is not in our competence and does not interest us. And the National Office can surely tell us what they think we should

do, but we will do what we want to. The use of coercive measures lies in the competence of the canton. He is recognized as a refugee. We could have detained him, but why would we? For us he is a tourist and it would not make any sense to detain him. And we are not talking about a package or something, but about a human being. Also, he could sue us in the end and then we would eventually have to pay him a compensation for the detention.”
(Field notes, Swiss Cantonal Migration Office 2016)

The excerpt elucidates how ignorance can have a positive outcome for the otherwise often marginalized client. While detention as measure can be used, the decision lies in the hands of the cantonal migration office. Thus, it highly depends on personal decisions and the use of discretionary spaces (Lipsky 2010; Eule 2014). Here, the bureaucrat voices two reasons for refuting the national office’s suggestion. It is a will to acknowledge the impact detention has on a human being, but also the assumed costs if they fail to prove the necessity for detention in front of the court. Ignoring the general routine, guided by the national office, W actively goes against their way of handling it, thus ignoring generally accepted practices to the advantage of the client and finally their own office. A second encounter between W and another Dublin case elucidates what Smithson (2008, 118) calls ‘arrangement of ignorance’. The client has been deported from Sweden to Switzerland, as the latter is responsible for the decision on the case. However, the client was already rejected. Now, by turning up again, the officer could detain him. However, W openly explains, as if talking to himself, what options could follow: ‘You will be detained and sent back to your home country, if you turn up again. But if you would abscond, there is nothing we can do....’ (Field notes Swiss Cantonal Migration Office 2016). In contrast to situations where officers keep information hidden (e.g. not telling about deportation dates), W openly shares what will happen, going against the actual rules, which W certainly is aware of. W discloses information, which should not be given, ignoring the fact that it would be counterproductive to his actual task: to implement deportation orders. Instead, W openly shares knowledge and information, as if the client was not visible (Smithson 2008), using ignorance as strategic ploy (R. N. Proctor 2008). Ignorance can thus also *become* knowledge (McGoey 2012a).

In yet another case, two Swedish border police officers admit to have shuffled cases under their piles of documents, in order to ‘forget about them’, to either give migrants more time before a deportation or even to make Dublin deportation cases a national responsibility (if timeframes are not respected). Going against legal practice because of practical thinking or bureaucrats’ own ideas of right and wrong brings forward an individual set of thoughts and a morally charged work environment, where structural violence is strongly intertwined with strategies of ignorance. Ignorance, acted out passively or actively, consciously or not, always ends up in a highly uncertain outcome for the migrant. Looking at everyday encounters of

bureaucrats and their 'clients' enabled me to define how far ignorance is used and produced and for which reasons. Surely ignorance is used as strategy to refrain from accountability and responsibility (cf. Sykes and Matza 1957), avoiding emotional responses and moral assessment (Smithson 2008). What might be used as a strategy to avoid internal conflicts in organizations (ibid.), such as managing heavy workload, ends up being a key demarcation for the development structural violence.

Migrants' Use of Ignorance

Regularly I observed interactions between migrants and bureaucrats involving questions regarding their legal advisors. Their dependence on third parties who are supposed to help them appeal the case often results in experiences of financial exploitation and partial knowledge. Again, the acting upon partial knowledge, clearly underlining unequal positions and thus structural violence, impacts on the clients' ability to claim agency and causes great uncertainty even when following legal bureaucratic avenues.

Though focus is put on the institutional and bureaucrats' use and production of ignorance and the harmful outcome for migrants, it is relevant to shortly contextualize migrants' strategies of ignorance. These often resemble street-level bureaucrat's practices and the interplay of bureaucrats' and migrants' ignorant strategies generates unintended outcomes (Smithson 2008). Migrants too leave out relevant information (about their origin, age, journeys), ignore the information they receive and act upon what they deem best for themselves. Stel (2016) uncovers agnotological responses of Lebanon's Palestinian refugees living in unofficial camps. Using the institutional ambiguity of the camps' existence, migrants' strategies often are closely connected to resisting the structural violence and uncertainty they face in their everyday lives. Their strategies are more clearly directed against the state apparatus, regardless of their active or passive nature. Often, their use of ignorance is a reaction to the uncertainty created through bureaucratic uses of ignorance.

However, the very different outcome of ignorant behaviour for the migrant reflects the power structures that are at play here. Not only does the client depend on the willingness of the bureaucrat to inform them, but also acting upon partial or un-knowledge can lead to severe constraints, displaying their precarious situation. Should one abscond because a caseworker suggests it (see W)? Is it helpful not to disclose the identity and 'refuse' cooperation in order to hinder deportation, while increasing the risk of being detained? Even though a certain amount of agency is kept by every individual (Ortner 2006), twisting the power-play to their favour often comes with a high price of remaining in precarious legal status. (Un)conscious ignorance is reflected in Swedish border police and migrant encounters, where many migrants are

apprehended at work, without being allowed to do so by the migration office. Assuming that the personal card handed out by the tax office and paying tax allowed them to find a job, many migrants are detained for their breach of law. Latvian border guards mention the unwillingness to share information of Vietnamese detainees, who do not tell their names and do not contact the Vietnamese embassy for paperwork in order to leave. Other tactics of ignoring deportation orders are handing out wrong addresses, being on the move or absconding. Some bureaucrats also mention women getting pregnant, absconding until they are too advanced in their pregnancy to be deported.

Ignorance as inherit feature of the state

Street-level bureaucrats excuse their work by refusing knowledge, thus responsibility, therefore showing indifference, but also reveal their unintentional lack of knowledge. Structurally created ignorance allows bureaucrats to complete their tasks, while blinding out ‘unnecessary information, deemed irrelevant to the job. It creates ‘conditions which ensure its continuance’ (Frye 1983). Consequently, ignorance adds a willful side (Beck 2008), which is systematically maintained (Smithson 2008), thus adding an active component to the creation of structural violence experienced by migrants.

While inheriting traditional values of the organizations assures the system’s continuance and hides the punitive character of the state (Slater 2012), street-level bureaucrats are trained by them, learning to put trust into a system which equips them with knowledge on everyday tasks. Hence, bureaucrats automatically make use of structures of ignorance inherent to the state, embedding them in their work. By engaging in their routines and not asking questions, bureaucrats maintain the state of not-knowing. They do not simply create their own spaces of ignorance, which they willingly foster to either face or keep out of moral dilemmas, uneasy cases and thoughts. Instead, the structure of a state agency impacts on their ignorance, shapes it and eventually maintains it in a similar way as bureaucrats manipulate and control migrants’ knowledge. Thus, ignorance is co-produced by policies, laws, migrants as well as bureaucrats, but deeply embedded on a structural level.

Generally, the most common tasks and practices will be solved through ‘learning-by-doing’, rather than through prior study. This leads to certain practices being continued, while others are not. This learning process is not monitored, and by grounding the major work processes on an experience-only and learning-by-doing structure, training programs and cooperation networks seem to deliberately accept and even institutionalise ignorance (Slater 2012).

While a Latvian border guard explained that before the restructuring each officer was responsible for a case from the very beginning to the end (meaning deportation), the division of labour creates spaces of ignorance within the agency. Officers keep working in their sometimes very narrow environment, encouraging a narrow mind-set. The dispersal of responsibilities surely supports such behaviour, as does the division of work processes.

On a structural level, ignorance might be not only accepted, but even actively encouraged, because knowledge is associated with power and thus can become a danger (Proctor 2008). Therefore, keeping staff in doubt about possible practices might be a means to not only disperse accountability but also avoid conflicting guidelines or practices. Certain information is withheld by superiors and not shared with the street-level bureaucrat. Hence, the manipulation of knowledge of others can be observed along a line, from structural to individual level.

While some officers are very keen to avoid getting too involved in a case, the system's general structure can make it very difficult for more 'interested' employees to get to know a case. A Latvian risk analysis specialist underlines how he had to study by himself. No support or training were available after a certain level, thus forcing him to find new sources of knowledge (Field notes 2016). Also, for the Swiss and Swedish bureaucrats it is very important to have as much information on a person before they apprehend, detain and eventually deport them. Detailed information, e.g. about the health, potential aggression or physical abilities, is not only relevant to maintain their own safety, but also to guarantee the migrant's well-being. However, knowledge in migration office differs from that available in border police units, due to different databases and information access. Slow bureaucratic chains of communication (Borrelli 2018) further contributes to bureaucrat's position that not-knowing needs to be accepted in certain moments.

Also, the bureaucratic structure might support ignorant behaviour on side of the migrant. In 2016 the National Swiss Migration Office decided to financially punish cantons which have not been able to process Dublin returns in their given time frame. The offices have six months to process and send back the client in order to get reimbursed for the costs on national level. If they fail the costs remain a responsibility of the canton. However, if a person absconds before the six months are over, the time for a return will be extended to a total of 18 months. Resorting to financial punishment on national level encourages cantonal offices to, indirectly 'support' absconding (see W). While the organisation of the agency manipulates knowledge and information received by the bureaucrat (or not), the individual and personal interaction with the client is characterized by a consecutive manipulation (Proctor 2008, 24). Handing out partial knowledge on possible detention might tip off the migrant enough to decide to abscond. Where a lack of knowledge can actually help the bureaucrat to differentiate between what is important

and not to keep the system running, the migrant often wishes to receive as much information as possible. Hence, social practices of ignorance bear the imprint of power relations and reproduce taken-for granted worlds (Ewick and Silbey 1995, 215; Smithson 2008, 218 f). The cultivation of ignorance helps the state agency to excuse their employees that they did not know better (R. N. Proctor 2008; McGoey 2012b, 2012a; Michaels 2008) and functions as social control.

‘Ignorance is frequently constructed and actively preserved, and is linked to issues of cognitive authority, doubt trust, silencing, and uncertainty [...] [thus] intersects with systems of oppression’ (Tuana 2008, 109). Power relations are embedded in an institutional order (Giddens 1979) and play out in the actual social interactions on the ground. Ignorance can be seen as a means of power relations, even if not used consciously. It is often deeply embedded in the structures of the agency and thus shapes the individual’s disposition (Ortner 2006) and traditions. These individuals are finally guided by the embedded ignorance and often end up accepting it. However, the individual always maintains a certain range of agency (Giddens 1979; Scott 1990), eventually following their own ‘hidden transcripts’ (Scott 1990), made possible through the structures allowing for discretion and thus opening up the potential use of ignorance against the state.

Conclusion – What is the cost of ignorance?

This article has attempted to map how structural and individual strategies of ignorance cause state practices to become highly intangible and unreadable. It not only places ignorance as constitutive strategy of the state but highlights that ignorance and being ignorant is used as legitimate strategy in avoiding responsibility for migrants. The bureaucrats discussed here have the particular task to detect, detain and deport migrants with precarious legal status. At times, they lack the professional knowledge to fully act, but are still expected to and at the same time ever-changing policies make it difficult for them to do so (field notes, Sweden 2017). While bureaucratic procedures are generally acknowledged to change at a high pace (cf. Eule et al. forthcoming), the field of migration is characterised by an increasing restrictive position-both in the researched states and many other Schengen Member States, as well as increasing politicisation.

As a concept, ignorance explains how knowledge is manipulated and how non-knowledge is produced, used, reproduced and acted upon by state agents, as well as migrants. While ignorance is an integral part of the state, as practices are based on knowledge and the lack thereof, street-level bureaucrats and migrants can partly use the structurally embedded strategies of ignorance to regain agency. While bureaucrats use ignorance to manage their tasks, they also engage in such strategies to reduce the emotional labour, as well as to follow their

own ideals and values, or resisting against what they deem unfair state practices. Presented data shows that bureaucratic agencies dealing with the active implementation of detention and deportation orders, which both have physical consequences, often underline their role as just ‘doing the job, implementing orders’. Through this distancing between the ones responsible taking the orders and themselves, bureaucrats deny migrants the possibility to act. Thus, their behaviour shapes migrants’ behaviour, but also silences them. Migrants are being kept ignorant and they might base their decisions on the lack of knowledge and the manipulated information they receive. This in turn strongly impacts on their uncertain future, as people act upon knowledge but also on the un-knowledge they possess.

Uses of ignorance manifest at times in the pure neglect of actual procedures and practices, thus highlighting the maliciousness of the bureaucratic encounter,. Showing how structural and individual strategies of ignorance play out and are intertwined, highlights how structural violence is not only already embedded in the agencies’ structures, but also how it is reproduced and its effects multiplied. Relating individual with structural aspects of ignorance in bureaucratic everyday work underlines how a banal, but evil reproduction of harmful effects comes into being. Both sources of ignorance affect each other and thus can be influenced and manipulated.

This work has tried to show that a gap between knowing and un-knowing does not simply come into being through individual decisions only. It rather manifests through the multiple ways un-knowledge is produced, maintained and reproduced. Even active striving for a reduction of un-knowledge on both sides, the migrant and the bureaucrat, might not reduce their state of deprivation. Instead, the state can be understood as ‘the ignorant’, producing and facilitating moments of ignorance, though not fully capable of entirely controlling its use. Ignorance is thus a constitutive part of the system. At the same time, the concept of ignorance, in contrast to indifference, brings back responsibility to the individual using it. It does not deny agency, but allows for a distinction of uses of ignorance, thus demarcating when ignorance has been used in what way to distinguish between acts of resistance and acts of neglect.

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4.3 Whisper down, up and between the Lane – Exclusionary Policies and their Limits of Control in Times of Irregularized Migration

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Abstract

Geographical limitation, ostracism and deportation are defined as state practices that try to handle the unwanted arrival and stay of irregularised migrants in Europe. However, the enforcement of continuously more restrictive policies in order to regain control over a mobile population is limited by several factors, which at times restrict the state. These limits not only derive from the agency of individuals excluded by the state, but also because of the inherent attributes of the state itself. The studied inhibiting mechanisms, including discretionary practices, often neglect the crucial role communication has in understanding the contestation of policy implementation. This work discusses how the phenomenon of 'whispering-down, up and between the lanes' challenges policies and legal outcomes. It tries to explain why state practices often appear to be unreadable, not only to the outsider but also to the bureaucrat, with the help of ethnographic research in European migration enforcement agencies.

Introduction

Geographical limitation, ostracism, exclusion and deportation are all defined as state practices that try to handle the unwanted migrant populations in Europe (Vogel 2000; Broeders and Engbersen 2007; De Genova and Peutz 2010) especially groups stigmatized as 'irregular'. With no legal right to stay and little to no chance to obtain a legal status, irregularised migrants nevertheless maintain a certain range of agency (Engbersen and Broeders 2009), which the state tries to limit and control in order to maintain national sovereignty in times of struggle.

However, not all efforts to regulate and control irregular migratory moves have been successful (Andersson 2016). Instead, the struggles over a coherent policy implementation point towards the state's structural inconsistencies and inherent limitations (Cheliotis 2006; Düvell 2016). Consequently, it is necessary to better understand the limits states face in successfully implementing policies and legal guidelines, as well as their root causes.

Following the concept of multi-level governance, assuming that ‘a system of continuous negotiation’ (Hooghe and Marks 2003, 234) can be found along all structures of authority, international, national or local (Guiraudon and Lahav 2000), this article proposes to study communicational processes as a relevant limiting factor. This work elaborates on the questions of how and to what extent communication patterns among and within different agencies dealing with irregularised migration are formed. It discusses how these patterns are used and highlights that studying communicational processes is of crucial relevance, as they impact case outcomes and thus the migrant subject. This work further enriches the theoretical work on public administration (Lipsky 2010; Tullock 1965) with multi-sited, ethnographically collected material (see Eule 2014b; Fassin 2013; Zacka 2017) in the field of migration enforcement, though aims towards a more general critique of communication and information transmission in government agencies. It researches state agencies, such as border police and migration offices, working with irregularised migration in Sweden and Switzerland. Both are countries that have faced increasing immigration in recent years. Further, both have recently restricted their migration policies to decrease the number of arrivals and increase migration control at the internal borders (see Sweden’s border closure with Denmark and increasing controls on the Swiss-Italian border), as well as the amount of deportations of an expanding number of irregularised migrants (Surber 2016; Barker 2018). The studied agencies deal almost exclusively with the apprehension, detention and deportation of migrants who have no legal right to remain. While the studied limits of control originating in communicational issues are certainly not exclusively found within migration enforcement agencies, it is argued that we have to have a specific look at the dynamics of these agencies, working in a highly politicised and emotional field. The explicit precarious state of irregularised migrants who often face unlimited uncertainty about their future must not be neglected. Thus, studying limiting factors in migration enforcement deepens an understanding of state practices directed against these marginalized individuals and thus question state legibility. The focus on similarities rather than differences further highlights that the described phenomenon of whispering seems to be unrelated to specific state structures and rather deeply embedded on a structural level inherent in bureaucracies.

As everyday negotiations and interactions within public administration strongly rely on the transmission of information and knowledge, communication greatly impacts on the successful delivery of such information and the implementation of policies. Thus, this article will focus on a particular entanglement impacting policy implementation understood as ‘whispering down, up and between the lanes’. It will highlight that besides already studied limiting factors, such as discretionary practices of street-level bureaucrats (Eule 2014; Fassin 2013; Zacka 2017) and ambiguous legal text (Barsky 2016; Falk Moore 1978), this game-like

situation is a crucial factor in negotiations and policy implementation. Borrowing the term ‘whispering down the lane’ from the game and Tullock’s (1965) description of communication and transmissions processes in bureaucracies, the concept will be expanded by a more bottom-up approach, including the ‘whispering *up and between* the lanes’. The analysis will further show how communication problems and communication per se can be used strategically by street-level bureaucrats and thus transformed into productive tools to pursue individual discretionary decision-making, since communication processes are at times entangled in discretionary practices. As information transmission greatly impacts on the implementing body, the ways in which information is communicated, used and transmitted leads to an increase of un-readability of the state and its practices (Cheliotis 2006). The analysis will conclude with a critical discussion on how the state’s inherent limiting factor of ‘whispering’ should be understood in light of intra- and inter-organizational communication processes.

Situating the ‘Limits of Control’ in Context of Communication

Over the past years, migratory flows have increasingly been defined as matters of security (Andreas 2000; Huysmans 2014; Walters 2006), fuelling a continuous restriction of policies. This has become prevalent especially during the alleged ‘migration crisis’ in Europe since 2015 which made migration control hotly debated, reflected in recent political outcomes: Switzerland has voted on several policy changes, including the initiative against mass immigration (accepted 2014) and will decide on the initiative to limit migration further, potentially leading to an end of bilateral agreements between the EU and Switzerland (collecting signatures until 16 July 2018). At the same, Sweden’s prime minister has publicly announced to increase deportations to 80,000 per year (Crouch 2016).

This increase and change of policies automatically led to an increase and change of practices on the street-level. While the ‘migration crisis’ was acknowledged more than a decade ago, it is important to have a closer look at current struggles of public administration in relation to the recent policy restrictions and how they are related to the transmission of information.

Generally, it has been acknowledged that borders, as well as migration policies, are porous and permeable (Andreas 2000; Joppke 2000; Boswell and Geddes 2010). Their semi-permeability gives liberal states great discretionary powers, often relying on rather insufficient information (Mau et al. 2012, 49). Street-level bureaucrats wield often largely discretionary decision-making (Eule 2014; Lipsky 2010), trying to seek out the ‘limits of law’ (van der Woude and van der Leun 2017).

Thus, the impact of migration policies and migration control does not end at the outskirts of states and neither do factors limiting policy implementation. As several studies argue (Sassen

1995; Joppke 1998; Castles 2004; Eule 2014b), policies and legal guidelines aiming to restrict migration can potentially end up limiting the state in implementing the intended restrictions. Especially in the context of migration, the limits of governing and controlling were analysed in order to define which factors within the governmental structure are potential sources disabling the application of given law and regulations (Castles 2004). So far, these different sources of limitations have been analysed on international and political, as well as on local and intra-organizational or individual, levels.

Sassen's (1995) concept of human rights regimes or Joppke's (1998) description of self-limited sovereignty present possible explanations to grasp state limitations on a macro level. Castles explores the 'social dynamics of the migratory process' (Castles 2004, 205) in context of limitations, such as market behaviour, as well as factors linked to globalization or political conflicts in and between countries.

The 'faulty machinery of government' (Thompson 1980, 915) has further been analysed with a focus on organizations and the individuals working within them. Ellermann (2008) extracts not only inter-state cooperation but also local politics as a factor limiting migration control. Also, Eule (2014), Borrelli and Lindberg (2018) have identified the personal identity of the street-level bureaucrat and daily sense-making of their tasks as a critical factor shaping the outcome of work, and thus the outcome of policies being implemented (or not). The 'migration apparatus' (Feldman 2012) can be influenced by what Scott (1990) describes as 'metis'. It describes 'forms of knowledge embedded in local experiences' (Scott 1990, 311) such as street-level perspectives, which differ from 'the more general abstract knowledge deployed by the state and its technical agencies' (ibid.). Scott (1998) argues that some knowledge can only come from practical experience, thus pushing forward the relevancy to study street-level practices and information transmission. The legal text does not necessarily come with guidelines, leaving street-level bureaucrats caught between 'moral and political ambivalence' (Hawkins 1984) while expected to make (legally valid) decisions.

Due to the enormous apparatus working on, with and against migration (Andersson, 2016), it can be developed and (de)stabilized by many hands and entities (Tullock 1965; Thompson 1980; Bendix et al. 1992; Bevir and Rhodes 2010), performing various practices onto different groups (Vogel 2000, 390f; Bigo 2005), for instance on irregularised migrants. The enforcement of control practices is thus shaped by treaties, legal policies, and street-level bureaucrats (Epp 2009) but also non-governmental organisations, influencing and implementing restrictions (Hooghe and Marks 2003).

While the summarised research on the state body's limiting factors is helpful to understand inherent discrepancies, and partly acknowledges how action is based on partial knowledge and information (Mau et al. 2012), it has so far paid only a little attention to the role

of communication and the sharing or transmission of knowledge and information. However, practices of communication between all agents in the state apparatus (see Shumate et al. 2017), including their strategic use, is crucial to fully grasp state inherent limiting mechanisms. It allows for understanding of how street-level agents transfer and work with information.

Research on interorganizational communication examines messages between all agents and acknowledges how the transmission and formation of messages are influenced by common norms, goals and cultures of different bureaucratic agencies (Shumate et al. 2017). Combining this approach with the study of street-level practices advances the understanding of how transferred information, including law and policy guidelines often understood as rational and directly implementable, are shaped by all state level and actors. The observed practices stand in stark contrast to the supposedly rational structure of the state body (Weber 1978). Rigid frameworks and restrictions constructed by institutions stand in contrast with the fragility of the system, characterised by constant reforms (Scott 1998, 353f) and vast information flow. Street-level bureaucrats are expected to remain efficient regardless of the stability of the environment, which can create unease and resistance. Thus, rigidly maintained routines often become counterproductive. The introduced concept of ‘whispering down, up and between the lanes’ is able to combine the approach of studying organizational culture and individual understanding of norms and values, influencing information and knowledge transmission, with a more structural analysis of how communication and information are used strategically, thus how both organisational structures as well as street-level bureaucrats mutually shape policy implementation.

The meaning of ‘whispering down the lane’ and situating it as a communicational approach

Originally, ‘whispering down a lane’ might be known as a game played at get-togethers. The rules are as follows: All participants form a line. One person, functioning as the source and starting point of the game, thinks of a sentence and whispers it into the ear of the participant next to her. This person tries to grasp as much as she can – the sentence is only distributed once and may not be repeated out loud. The heard information is distributed to the next person and so on. Each participant waits until the chain of whispering reaches her. The last participant in line may loudly present what has arrived after the chain of whispering and it can be assumed that the outcome might not overlap with the original sentence.

What contributes to laughter due to the message alterations, might lead to serious implications in the state body. Ideally, information spread through a bureaucratic organization should not change and participants should deliver the same message. However, what has been described as a common game can be used as a description of the everyday practices in an

organisation. Tullock (1965) mentions the use of the whispering down the lane game as a teaching device in the training of the American Army. Training results show that the outcome often had only little resemblance to the original message. One reason for the discrepancy is the oral transmission. Not every participant can recall the exact words of the distributed information, some parts might be misunderstood or not heard at all. Secondly, Tullock (1965) argues that personal interpretation occurs at each step of information transmission. It is apparent how communication between the law, policy regulations and the bureaucrat creates obstacles and thus limits the control and enforcement of policies.

Within public administration, this game and phenomenon of information distortion are applied to hierarchies where street-level bureaucrats - as last in line - are assumed to add their own interpretations to the received information, assuming a two-way process of communication in hierarchical organizations (Tullock 1965; Cheliotis 2006).

The way street-level bureaucrats transfer information and knowledge, how they communicate between the hierarchies and other agencies, is a crucial factor in the dynamics of routine and ruptures. So far the information gap in communication (see Rogala and Bialowas 2016) can account for the incompleteness of information transmission. The discrepancy between the original message and the content the recipient receives has been explained with psychological, external and internal organizational reasons, even physical ones (see Shumate et al. 2017).

Nevertheless, communicational theories on information transmission often have a very technical approach. While Rogala and Bialowas (2016, 153) highlight that a mismatch between the type and amount of information and the 'real needs' of staff can occur, influencing communication, the concept of whispering-down, up and between the lanes shall go further. There are more layers to explore, such as inter-organizational processes of information dispersal. Information distortion not only happens along the hierarchical line of public administration, between the street-level, superiors and political leaders but also between organizations (see Rogala and Bialowas 2016; Shumate et al. 2017) and within units of the same hierarchical rank. In contrast to hearing something through the 'grapevine', transferred information is not necessarily based on rumours, but delivered through formal channels and still acted upon as in the game of 'whispering'. Further, this work assumes that different processes of interpretation are not the only reasons for distortion of information. Instead, the collected data reveals several processes such as ignoring and intentionally changing information.

Analysing the 'whispering,' can examine how hierarchies of information dispersal inherent to the state body are used and shaped by street-level bureaucrats, but also how structural inconsistencies push bureaucrats to shape information transmission, affecting the

broader functioning of policies and law. It contextualises the often severe outcomes for individuals outside the organisation - here, migrants with precarious legal status - through a combinational analysis of communication and information management strategies within tactics of bureaucrats, such as discretion, secrecy and cooperation, to make sense of the potential gap between expected and actual information (Mau et al. 2012; van der Woude and van der Leun 2017). While street-level bureaucrats do not simply apply predetermined given tools or cope with difficult situations (Herzfeld 1992; Lipsky 2010) but actively disable and manipulate information, these spaces of discretion, personal judgement and attitudes of bureaucrats are not simply stand-alone practices but inherent in the structure of the public administration. The system facilitates exchange and imposes restrictions on communicational processes, thus greatly shaping the process of 'whispering'. The following work will therefore elucidate how 'whispering' is used as an at times productive, at times limiting way of communicating on several levels within and between state authorities, able to distort, mould, form and change information.

Hence, communication is understood as a form of exchange regarding knowledge, needs, emotions and information, transmitted down, between and up the lines of hierarchies. This exchange is part of discretionary decision-making (see Eule 2014; van der Woude and van der Leun 2017) as the observed practices often rely on the use of knowledge and information exchange.

Methods and Data Collection

This article is based on ethnographic, multi-sited research on state agencies working with migration control in the Schengen Area between 2015-2017. The case studies include Switzerland and Sweden, allowing for a comparison of 'whispering' strategies in a federally structured, non-EU country (Switzerland) and a centrally structured EU Member State (Sweden).

While in Switzerland each Canton (federal district) maintains certain autonomy regarding migration enforcement, Sweden has a more centralized system, which caused a recent restructuring to increase the comparability of practices in the Swedish Border Police and the Swedish Migration Agency. However, rather than marking the differences within the organisational structure, something which seems rather obvious, the extensive fieldwork and semi-structured interviews reveal a common theme: communicational disturbances enhanced by bureaucratic structures. The similar manoeuvring of information transmission between and within units through communicational processes can advance a general understanding of communicational disturbances being inherent in state structures, rather than a fault of the individual actor, supporting research on public administration and multi-level governance. This

work allows for a meaningful generalization of street-level agents' struggle with very similar issues, but also shows the extent of illegibility beyond a single nation-state. The field work in Sweden included four months of participant observation in one of seven Regional Border Police Stations and six weeks in another, supplemented by interviews with the National Office of the Swedish Migration Agency and the Swedish Prison and Probation Service. In Switzerland, fieldwork consisted of a four months visit in one Cantonal Migration Office and a six-week visit of a Cantonal Police Unit specialising in deportation and detention. Further interviews and short field visits were conducted with three other Cantonal Migration Offices, the Swiss National Migration Agency, a Cantonal Detention Prison and two out of seven Swiss Border Police Units. During the participation in bureaucrat's everyday activities, numerous informal talks, case files, policy guidelines, as well as grey literature were collected to deepen the understanding of the observed situations.

Interviews were recorded whenever possible, transcribed, coded and re-examined during the data collection process to find central patterns and significant themes (see Marcus 1998). Finally a process of triangulation has been established (Flick 2011) by discussing field notes and using different sources of data to reduce a sole reliance on only one source for interpretation.

To maintain the anonymity of key informants, caseworkers have been given capital letters, avoiding gender pronouns, and geographical information is omitted. Due to the extensive and diverse data, however, it is possible to generalize the findings to a proper extent.

Whispering down, up and between the lanes

In the following section the concept of 'whispering down, up and between the lanes' will be analysed and discussed with the help of the collected data. Each section will start with a theoretical explanation advancing the concept of 'whispering', followed by data, guiding the analysis. The first section will deal with the most commonly known information transmission: down and up the lanes. Section two will explain how the addition of 'between the lanes' adds to the current understanding of structural state limitations. In the third section, a closer look at more strategic approaches of whispering down, up and between the lanes will be highlighted.

1) Whispers down and up the Lanes

A couple of weeks into my fieldwork in one Swedish Border Police station, I finally had time to go through several folders of general instruction letters sent from higher authorities. These are instructions decided by the police, but also instructions developed through cooperation between the migration office and the national police office or developed on the policy-making level. These letters usually include information on new

practices and rules. As I had not seen any documents going around between the border guards, I wondered who reads this information and how it is distributed. One officer sitting in the same room told me, that they are usually put into these folders and not necessarily discussed. However, when I read through some of these letters, many of the practices the border guards were unsure of and many of my open questions were answered. (Swedish Border Police 2017)

Tullock's (1965) concept of 'whispering down the lane' is based on the assumption that losing information occurs because of the number of people transmitting it, as well as the interpretation they bring into a received and later shared message. What happens though, if communication is not shared, not sent further and simply forgotten or deemed irrelevant? Who decides on what is going to be transmitted and what not? The very simple observation in the summarised field note underlines that various processes of whispering can be found.

So far, whispering has mainly been discussed in regard to the 'down' lane, thus analysing how information is lost during the step-by-step transmission coming from above. Tullock's (1965) explanation that in a hierarchical system involving many actors a loss of information occurs because information is only transmitted to the next higher level, is however partly simplistic. The reachability of agents through new ways of communication, such as e-mails, increases the simultaneous reachability of many hierarchical levels. The loss of information could, therefore, be prevented or at least decreased. Naturally, the more people involved, the greater the alteration of the original message. However, one critical factor has been missing. It is of importance to notice that even the end of the pyramid does not consist of a single person or sovereign. Hence, there are always several bureaucrats formulating and passing down decisions. Consequently, several lanes are active at any time and the chain of command is not unilateral.

The head of one Swedish Border Police unit receives weekly numbers of rejected entries, detention cases and deportations in order to transform them into statistics to hand them further up in the hierarchy. Vice versa, a lot of different mails arrive, including Frontex reports, Border Patrol reports, instructional letters on enforcement practices and the newest information on forged documents. Besides all employees receiving most of this information, they highlight they are not reading all of it. "It is just too much", as CL says. Instead, the unit head decides to hand down certain reports to a single employee in each of the groups, who are tasked with reading and summarising new information for the rest of the group. (Swedish Border Police 2017)

There is just ‘too much information coming in’ from various actors and agencies, and often street-level bureaucrats do not have the time to scan through all the incoming information, out of which only a few might be relevant for their everyday work. Instead, a certain ‘courage for the gap’ attitude is kept, while they also heavily rely on colleagues and superiors to share relevant information with them. Thus, several channels need to be taken into account simultaneously, when trying to implement a policy.

Besides being ignorant of some incoming information, the interpretation of each individual has been critically examined, concluding that human beings cannot remember the sheer amount of information, and also add their personal views to the received knowledge (Tullock, 1965). Information is shaped, evaluated and eventually ignored. New guidelines are received but stored in folders. They might be discussed, but not necessarily. To some extent, street-level bureaucrats function as message distributors, thus increasing the possibility of diverging interpretation. This causes fragmentation, as orders are broken down into smaller portions and relevant parts that are supposed to travel to the respective unit are also seen in the example above. Distortion is thus not only based on subjective interpretation of interpretation but also by the decision to whom information is distributed (Tullock 1965; Coyne 2013). This causes a dilemma for many bureaucrats, as they are caught between and depending on information from different levels, with different interests. The head of the unit hands down certain information, while being dependent on staff and their information, but is also accountable towards higher superiors for the entire unit and their practices. The constant flow of information down and up the lane reflects the permeability and the possibility to exchange knowledge in a greater and more mutual extent, but also highlight the complexity of communication.

Further, ‘whispering’ is not only caused by the amount of or their dependence upon certain informing channels, but also when received information is contradictory. Swiss border police and staff in the migration office in several Cantons mention they are forced to juggle between often opposing orders coming from the same source (field notes 2016, 2017). While especially Dublin deportation cases need to be processed fast, in order to get financially reimbursed by the State Secretariat for Migration, the publicity of a case might force them to refrain from a deportation (see also Ellermann 2009). According to the officers, their superiors change their minds quickly, especially when it comes to their own careers, highlighting that also on political level no homogenous entity can be found. However, with this binary information, ‘deport but only if it can be done smoothly’ (field notes 2017), increases confusion and thus the unreadability of practices increases.

Not only do bureaucrats receive ambivalent orders, but also fragmented information, forcing them to interpret. A legal advisor in the Swedish Border Police (2017) mentions: ‘They

[government officials] tell us what they expect and give us law, but not the necessary measures to implement it.' It remains up to the street-level bureaucrat to work with the partial information and testing out the law (see van der Woude and van der Leun 2017).

While the making of policies is not done in a vacuum, but based on a loop of information (see Tullock 1965, 138), thus going back and forward between several levels, also allowing street-level bureaucrats to bring forward their concerns and thoughts (in the Swedish context to a certain legal decision-maker collecting and sorting these comments), the street-level bureaucrat does not necessarily feel included. The perception of being left alone, not only during the 'migration crisis, but also with difficult and politically contested topics of deportations, challenges the practice of collected policy-making. Swedish Border Police officers point with irony to the fact that their prime minister publicly announced to increase deportations to 80.0000 per year, without taking into account the feasibility. The feeling of not being included affects the acceptance of policies and can thus also strengthen distortion and wilful dismissal and ignorance of communicated information. Passed down decisions are often not graspable and coming from a detached group of superiors, who do not have 'practical' knowledge and are unfamiliar with challenges of the street-level (see Mau et al. 2012).

This abstract policy versus implementation gap also reveals a language barrier. Many street-level bureaucrats struggle with the abstract legal decisions and clauses handed down to them, not because of their ability to understand them, but because of the room for interpretation. 'Low-level bureaucrats often speak different language from their superiors' (Euchner and McGovern 2003, 30). Daily hands-down practices do not reflect abstract political goals. The carefully stored instruction letters, hidden in folders, while to some extent part of the office, resemble the perceived distance between the street-level agents' everyday work and their legal guidelines, underlining that their reality is often far away from the written guidelines.

The above-observed modes of knowledge transmission automatically lead to a more learning-by-doing attitude of the street-level bureaucrats. Experience is relevant in the process of situating practices and tasks within the legal frameworks, especially when measures to implement the given law are missing. In such unclear situations they need to try out what practices and decisions they take will hold in court (van der Woude and van der Leun 2017). If a case is unclear, decisions are taken together, cases are discussed and eventually someone has read the newest guidelines and instructions or can vaguely remember someone else talking about it.

The analysis of down and up whispers certainly shows that decision-making and information dispersal are not pure top-down processes. Using the whispering game's concept underlines the connection between the limitations inherent to communication processes but also in the transmitted information itself. Similar to the sometimes only partially heard information

in the game, where gaps in the sentence need to be closed with made-up words and interpretations, the bureaucrat balances between this ‘courage for the gap’ attitude and filling gaps of legal frameworks with own interpretations.

Not being able to fully access information (Tullock 1965) leading to ill-informed decisions is not only a characteristic in the down and up whispering. The issue of inadequate information reappears also in the ‘whispering between the lanes’ of bureaucratic encounters.

2) Whispering between the lanes

Walking into an office, I see DG sitting at the desk, seemingly unoccupied. ‘I am not doing anything, just sitting around and guarding the phone.’ I recall that DG has a deportation to plan. ‘I cannot do anything. What should I plan, if I do not have a foundation to build on? For example flight dates and time, general time slots around which I could plan. I cannot just build a castle in the air.’ (Swiss Cantonal Police Unit 2017)

In order for the police unit to plan and execute a deportation they need to contact the SwissRepat, an agency of the Swiss National Migration Agency planning flights. This is only one of many agencies involved in organising deportations, though a crucial one. ‘How-to’ guidelines for this organization exist, but at times these ways take time, eventually hindering bureaucrats’ work. Dependencies on other agencies are very common, as is waiting. While routes of official communication exist, some bureaucrats have built personal contacts who they can contact directly, circumventing waiting times. SP, working as a caseworker enforcing deportation orders of the Swedish Border Police is in charge of finding out the identity of a person, booking travel itineraries and organising the deportation. They share these tasks with the migration office and receive a majority of cases from the latter, once the migration office believes police help is needed. However, both agencies do not have access to the same amount of information. SP has found a way to circumvent long and eventually unsuccessful ways of information exchange and has established good contact with an employee of a migration office, with whom SP shares information which is usually not supposed to be shared but helps tremendously in the processing of cases. Shortcutting is a strategy through which SP has created an alternative route for exchange. Many bureaucrats stress the need for quick information and the advantages of personally established ties between other agencies, which is connected to discretionary decisions as staff can overlook wrongly filled forms by other agencies or forgotten paperwork can be handed in later. Here, both sides profit from a personal and direct exchange, circumventing information loss, distortion and delay in implementation.

As the previous section and also DG points out, there are many agencies involved when planning deportations. There is no coherent structure or single-mindedness within one agency and the task overlap between agencies can become problematic, especially when it comes to bureaucratically organized communication. In these situations, the in-between lanes of whispering expand and include inter-organisational exchange. Offices situated within the same agency and on the same hierarchy also work together and exchange information. However, if another agency comes in, whispering gets even more complicated. While SP found a willing employee in the migration office who exchanges information, other officers fail to create personal contact, and are forced to retain more officially established ways to get their work done. I am told, that these official ways of communication are often slower and seem senseless to staff. Whether or not this is true, the perception of the officers is relevant as it often determines if alternative strategies are taken to follow their either personal or the agency's goals. In case of contacting detention facilities, Swedish officers have now started to not only follow the official way, which includes going via the National Migration Office distributing detainees but also contact the local agency directly to 'warn' them about the arriving detainees. As such, they do not break with the official rules but reduce 'surprises'. The unwillingness to keep new routines, which do not make sense to the officers (Guiraudon and Lahav 2006), can thus cause alterations of information transmission. Stability to keep efficient communication with other organisations, in that, case is met with little understanding.

The second obstacle in inter-organization cooperation arises due to data security and has been addressed in SP's example. Often bureaucrats are not allowed to hand out relevant data to their colleagues, even though both agencies might work on the same case. This is reflected when using databases. In both countries, police officers do not have the same clearance as migration office staff. The Swedish border police usually cannot see at which state asylum cases are, thus cannot determine whether or not a person is allowed to work when apprehended. Ironically, it is their task to do work controls while at the same depending on information only provided by the migration office. Again, this increase in participants 'whispering between the lanes' will make it more likely that information is altered and interpreted.

In Switzerland, police units do not possess much information on cases based on the Aliens Act. In one studied Cantonal police unit working with migration enforcement, the staff has to change on-call-duty telephone services, where they function as an interlink between a mobile police patrol and the migration office. However, often they cannot answer the questions due to their lack of access and are forced to refer back to the migration office. In contrast, some other Cantons have the same on-call-duty in the migration office, circumventing the above-

described issue. It remains unclear why this often little efficient way remains still active, though many officers complain about it.

SP knowingly goes beyond the legal mandate, receiving information. However, as cases are successfully processed and other colleagues also rely on similar networks, SP runs a little risk to be punished. The political pressure to increase deportations combined with a lack of clear means on how to achieve this goal causes street-level bureaucrats working with migration enforcement to adapt, using discretionary means. While it has been established that the functioning of many bureaucratic systems are ensured by actually not following work-to-rule, the often contradictory goals of migration enforcement put further constraints on staff and pushes them into finding ways in which they can function (Ellermann 2009; Lipsky 2010). Bureaucrats are expected to produce deportable subjects, while keeping a low profile, linking back to the contradictory binary of deporting, but only if done smoothly.

Being dependent on other agencies can thus further complicate 'smooth' implementation and is particularly difficult if agencies are not at ease with cooperation. Especially if the self-understanding of bureaucrats employed in different agencies diverges. A higher official at the National Swedish Migration Agency underlines, that compared to the Swedish Border Police, they claim to be more humanitarian and work for the individual, in contrast of being against them. Two Swiss cantonal police officers describe a situation where an apprehension at a transit camp was hindered by the staff who was not informed. Both assume that a strategic component was included as not telling the deportee is a strategy to keep them uninformed and thus calm.

'They did not know anything, were not informed. Or maybe they did want to be careful and it was strategic. We thought the woman would be ready with her bags, but she was not. Maybe it was a misunderstanding, or it was a tactical-not-hearing, to avoid her making problems.' (Swiss Cantonal Police Unit 2017)

The process of whispering between the lanes gets particularly distorted due to diverging goals. Police officers are keen on identifying migrant subjects, following a security frame and process rejected individuals. Staff at reception centres and camps want to keep a relaxed atmosphere, where apprehensions interfere with the daily life. The limited mutual understanding of each other's tasks reduces cooperation as well as impact the whispers between the lanes. Information might be given only reluctantly, partially or might be ignored. Whispering channels can be used to contest other agencies' work but keep up own traditions and ideals.

A further 'whisper between the lanes' occurs within agencies. Potentially interpretable or confusing legal frameworks are shaped and eventually implemented, but also communicated

to each other. As many tasks in border police and migration offices include learning-by-doing, much information is transmitted orally. Stories make their rounds and shape everyday work. Especially when a colleague is absent and someone needs to take over a case, knowledge of the case is transmitted in various ways. Other colleagues might have some insights, the case files might be full of notes and sometimes there is no information at all. A solution to resolve the issue of noise and interpretation would be, so Tullock has suggested (1965), the written transmission of information. However, this is not always possible due to the heavy workload the staff have and the individuality of each case and thus procedure, not necessarily reducing interpretation when written information and instructions are available.

As mentioned earlier, participants in the ‘whispering’ game are usually either keen on a distorted outcome or expect it. In contrast, bureaucratic chains of information transmission are aiming for the maintenance of the original content. Nevertheless, the discussed examples show how an active manipulation exists within bureaucratic chains of information. Several reasons besides the many hands or personal interpretation have been pointed out as factors disabling information transmission and policy implementation. Their strategic use is thus relevant to understanding ‘whispering’ in context of migration enforcement.

3) Whispering as a strategic game

W summarises the documents and statements of a person who has been charged with several criminal offences, and is now facing a potential loss of his residence permit in Switzerland. Until 2016 it had been the Migration Office which initiated the procedure to terminate the stay of a foreign criminal offender before the case goes to the Court for a final decision. The Migration Office has a back and forward dialogue with the client and each received statement needing to be summarised for the Court. W struggles with the summary, mentioning: „I am not at all reflecting what the client says. I am just interpreting. It is not good. If you would read what I wrote, you might understand something entirely different than what he wanted to say. But I cannot go around and double check what I write with everyone in the office...Do you understand?’ (Swiss Cantonal Migration Office 2016)

In contrast to SP who is disobeying rules, using alternative channels of information, W tries to follow the rules as much as possible and is upset by the fact that information will be changed as soon as summarised. This highlights the power of bureaucrats, as the interpretation and framing of what clients say, will have an effect on the Court’s decision. Much as in the whispering game, there is only one candidate who receives information at a time and it cannot be double checked with other colleagues, or ‘repeated’.

A group of Swedish Border Police officers discuss on what grounds an apprehended person can be detained. The legal texts offer the possibility that one 'can' detain if there is a 'risks to abscond', but how is this measured? Officer DH mentions that the same 'can' clauses exist in other sections of legal text, reading: '...Has been punished for crime, which CAN lead to jail. Narcotics CAN lead to time in jail.' According to this 'can' formulation they would be able to put someone in detention, if they find any amount of drugs on the person. However, according to them this may hold against the law, but might not hold against the decision taker who signs the detention order. 'It is for example not enough if a person has just done shoplifting. At least, that is how I interpret it.' (Swedish Border Police 2017)

With black letter law being vague, enabling them to detain under various circumstances, officers need to weigh whether their efforts are 'worth it' and will be supported by higher levels or if they stop going through paperwork and let the client go. A more strategic approach begins, where personal interpretation influences practices. Police officers know which decision-taker has a more 'lax' attitude and is more keen on writing detention orders. DH explains: 'One always wants extensive reports, you really have to base your decision on sound black letter law. The other decision-taker is more open and often signs what you suggest. Another one is somewhere in between.' Officers actively decide which decision-taker to approach, according to their own ideas and interpretations of cases. In order to make sure that a person will be detained, following ideas of deservingness, the officers apply another strategy. DH adds: 'It would be sufficient to check one of these points on the form to decide for detention, but more are better. There is no right or wrong, but one decides on his one what to do. Here we have a bit more room for own suggestions.' Bureaucrats make use of one tradition, one interpretation rather than another (de Certeau 1984). These traditions and attitudes are supported by the discussed strategies of whispering. Mobile officers deliver their version of a story to the decision-makers, already deciding which facts are transported.

The uncertainty of legal regulations and interpretable law quickly cause behaviour reproducing uncertainty rendering the state's practices and thus case outcomes illegible. At the same time, these manifestations are inherent in bureaucratic structures. Strategies of ignorance or manufacturing go beyond the unconscious interpretation or the sorting out of relevant bits and pieces. Instead, street-level bureaucrats mould (Euchner and McGovern 2003, 30) or massage (Cheliotis 2006, 323) guidelines, produce detainees. Orders from the top can be concealed, 'swept under the carpet' if they go against a unit's expectation of their task. Generally, for most bureaucrats, simply following orders is not enough (Brehm and Gates

1999). Neither do bureaucrats only follow their own interests (Lipsky 2010). One Swiss Cantonal migration officer names a couple of cases, where the agency went against national court's order to deport. Thus, deportations have not been effected and deadlines have been ignored, leading to financial sanctions. Another counter strategy includes letting the case rest until Dublin deportees become a national responsibility.

While stepping beyond the mandate officers' rhetoric reflects routines and traditions, which have been used for years (Rhodes 2011) but also highlight how moral responsibility is taken. A discrepancy between the abstract political will and the interpretation of the street-level bureaucrat is one possibility to explain such resistance (Scott 1990).

Conclusion

The 'whispering' ways of communication and information transmission create obstacles for the implementation of policies. Information transmission is characterised by a non-binary multitude of communication lines on several levels. The applied approach follows previous work in public administration, which used ethnographic methodology in a similar way and already started to uncover the 'black box' called the state. This work moves beyond written statements, being able to map grey zones and restrictions, where the state has only limited power to decide and monitor (Brodkin 2012; Lipsky 2010).

Besides distortion being caused by the great number of people involved in bureaucratic processes or the bureaucrats' self-understanding (Thompson 1980; Tullock 1965), the transmission of information is additionally diffuse because of the interrelation of discretionary spaces of street-level bureaucrats, their personal attitudes (Lipsky 2010) towards the received information and structural inconsistencies opening up the discretionary spaces.

The growth of the state body and civil society undermines efficient action and the capacity to centrally control, which is why the state depends on several agencies to perform controlling functions. While the awareness of information distortion has led to strategies, facilitating communication, this work highlights why we still find struggles. The tasks of a street-level bureaucrat are manifold, which characterizes the migration apparatus. Due to the number of different roles, it is impossible for the upper floor to organise, survey and evaluate the practitioners of several agencies.

Not only do second and third order interpretations (Rhodes 2011, 8) occur, given that each street-level bureaucrat can to some extent bend and interpret guidelines and laws. Often reasons for practices are not clear to the street-level, depicting the lack of communication between and within agencies, the lack of information given as well as the slowness of information. However, if information reaches them in its entirety street-level bureaucrats have

different options: follow the information or guidelines, use them in a different way than was anticipated or ignore them. Sudden changes of policy and practices are often ogled with suspicion. The time it takes to convince caseworkers to change their habits is unpredictable. If they are deemed unhelpful or complicated, new information might take some time 'to sink in'. The time 'new whispers' take to reach all the way down the lane stands in stark contrast to the constant change of legal regulations, where information can get out-dated quickly.

The loss or distortion of information was also discussed as a matter of blurry communication channels and diverging inter- and intra-organisational goals. Collected data places bureaucrats as active players, deciding and contesting communication channels, by sharing or ignoring information depending on their personal attitudes or organisational goals. Communication patterns are further formed by traditions, handed down to other bureaucrats. As communication channels are manifold we encounter several simultaneously active lines, back and forward communication, vertical and horizontal, but also a loop in which illegible law leads to illegible decisions, reproducing the systems un-readability. Especially when the 'state' is 'driven by utopian plans and an authoritarian disregard for the values, desires, and objections of their subjects' (Scott 1990, 7), communicational gaps and unpredictability seem to increase. Due to the unpredictability, a certain way of discretion and leeway are needed. Informal processes and improvisation help these actors to get through unknown situations (Scott 1998, 6). They need to stay flexible, which is why a sudden stricter rule or regulation might be ignored. The vagueness of law and its slow or complicated transmission are what enables actors to reinterpret and adjust instructions along the way. The concept of 'whispering down, up and between the lanes' does add the multiplicity of actors to Scott's (1998) concept of the state. It further underlines how the state's unreadability is not only experienced but also increased by state actors and thus strongly impacts on individuals with precarious legal status. In such an illegible system accountability is not easily demarcated and would need to be studied further.

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5. Conclusion

On a final meeting that I organised together with colleagues working within the same project, we invited some of our interlocutors in order to summarise our key findings and to ask them if we indeed did draw an accurate picture of their work. Here, Latvian, German and Swiss street-level bureaucrats convened and discussed their work, their experiences with having me around (since the present interlocutors are the ones I conducted research with), and policies and politics. One Swiss Cantonal Migration Office caseworker recalled a meeting with Swiss officials meeting Migration office officials in Morocco. It is generally difficult for Swiss authorities to receive travel documents for migrants from Morocco and thus difficult to deport them. The caseworker recalled: ‘Why we don’t get travel documents from Morocco? Well, there was a meeting between migration officers from Switzerland and Moroccan migration officers in Morocco. It was all very important and official and while talking, bringing up the issue regarding the travel documents, the Moroccan migration officer just mentioned: “As long as Migros [a Swiss supermarket chain] declares that their melons come from the West-Saharan state we won’t talk about migration.” And this was a high-level meeting.’ (field notes 2018)

I chose this particular field note to conclude this work and in order to bring forward once more the arbitrariness of migration control, here on a more political level. While each article has its own more focused conclusion, this final section will be kept short and will focus on the broader argument that connects all three publications.

Many caseworkers and police officers struggle in their daily quest to implement policies on the street level. At times they mention the neglect of politicians and legal practitioners to give them the tools and means to do what is asked of them. In other moments they are overwhelmed with information or lacking it. And yet in other situations the problem to obtain legal documents for deportees by certain countries’ delegations is entirely disconnected from migration policies and instead caused by issues pertaining to foreign affairs – here the seemingly banal import of melons and use of the ‘wrong’ label. How are street-level bureaucrats then supposed to act, how do they make sense of their role and how are they embedded in such a complex system? Further, it pushes us to ask the question: What does this imply for the migrant? As discussed throughout this work, street-level decisions have very real consequences for migrants’ everyday lives and the irony that their ‘stuckness’ (Eule et al. forthcoming; Hage 2009) in an uncertain situation is depending on the labels on melons reveals yet another layer of arbitrariness.

The three presented articles have addressed the questions above and focused on street-level positioning towards their work and their practices. Their placement is the result of experiences in the job, extremely difficult processes of decision-making, and also influenced by political shifts and public discussions on migration. I have discussed how street-level bureaucrats navigate ethical challenges in their everyday work and how the migration apparatus is far from being depersonalised. Further, I have examined how ignorance in street-level encounters is individually and structurally produced and can thus account for an increase in uncertainty and confusion, not only for the migrant subject, but also the street-level bureaucrat. Finally, I have studied communication processes within and between government agencies, in order to argue that given discretionary spaces and a multitude of communication channels are often the cause of non-efficient and rudimentary information transmission.

My findings have shown how the situated agency of street-level bureaucrats are often shaped and supported by normative judgement and loopholes in laws and the fact that law is essentially normative. Agency is affected by different structures, and yet also enabling actors to actively influence policies. Assuming that both irregular migrants and bureaucrats in migration control agencies are aware of the implementation gap of immigration control systems, both groups try to adapt their practices accordingly. The occasionally helpful or meant-well off-script decisions of street-level bureaucrats do however not only have positive implications for the individual but contribute to an increasing illegibility of the state. The consequences for the migrant subject, here the irregularised individual, are severe. The clients of public administration, here migrants forced to encounter street-level bureaucrats working in the migration regime, not only leave the office confused and unsure of what will happen. This group of individuals with a highly precarious legal status, is marginalised, politicised and ostracised through legal regulations. They do not have the right to stay or low chances of obtaining legal status, including rejected asylum seekers, sans-papiers, overstayers, Dublin returns and third-country nationals who lost their right to stay due to criminal offenses (and many more who fall under the category of 'irregularised migrant'). Whatever decision and information they receive, it will have a vital impact on their own agency and decisions. Since they hear of stories and might follow rumours (cf. Eule et al. forthcoming), decisions taken outside the bureaucratic mandate further contribute to a mystification of the state. Already with all the paperwork and different agencies migrants encounter, it is difficult to understand how decisions are made and by whom. With bureaucrats favouring some and disadvantaging others, street level practices further render the state intangible. Bureaucrats thus reproduce confusing state practices, while they are at the same time able to hide behind them and denounce responsibility for legal outcomes. Simultaneously, the moments of manipulation and contestation illuminate where and for what reason street-level bureaucrats act the way they do

and bring forward their own struggle with ‘the state’. Moreover, it highlights how the state also remains illegible to the bureaucrat, who at times is confused by why people arrive, how they should be ‘processed’ and what should be done with them.

Hence, this work contributes to previous public anthropology approaches (cf. Lipsky 2010; Wedel et al. 2005; Bevir and Rhodes 2003, 2010) which have posed questions on state structures, agencies forming legal regulations and decision-making. Besides acknowledging everyday life and relations as social phenomena (Goffman 1986), the analysis of social relations and human interaction help us understand how we ascribe meaning to certain behaviour, in this context specifically in relation to government/bureaucratic encounters (Winch in Bevir and Rhodes 2010, 16).

5.1 In the context of power

“The State which dressed men in uniforms so that they might be allowed and instructed to trample, and absolved in advance from the guilt of trampling, was the State which saw itself as [...] the sole guarantee of orderly life [...]. It was the State that knew what the order should look like, and which had enough strength and arrogance to proclaim all other states of affairs to be disorder and chaos.” (Bauman 1997, 18)

The presented work has highlighted the crucial role of street-level practices, but also positioning of street-level bureaucrats in order to make sense of the processes how policies are implemented. Their work has crucial implications for the workings of the non-unitary state, which still remains a powerful actor despite its disaggregation. The three articles do not and cannot offer a linear answer due to their stand-alone character, but they nevertheless discussed how ‘power [...] is centrally involved with human agency; a person or party who wields power could 'have acted otherwise', and the person or party over whom power is wielded, [...] would have acted otherwise if power had not been exercised (Giddens 1979, 91). ‘[O]ne assumes that, although the agents operate within structurally determined limits, they none the less have a certain relative autonomy and could have acted differently’ (Lukes 1977, 6). Hence, it is relevant to look at the intertwined relation between structure and agency and how power comes into being, producing a system of arbitrary outcomes and structural violence.

Here we also encounter a dilemma. While street-level bureaucrats bring in the human factor to the migration apparatus, they often become part of it and thus reproduce power inequalities in bureaucrat-migrant encounters. At the same time, they are often not aware of

their own agency and still retain a Weberian idea of the state and institution they work for. The encounters between bureaucrats and migrants are characterised by a deep asymmetry of power (Eule et al. forthcoming). Each encounter reveals spaces of negotiation, where violence is justified by referring back to legal guidelines and where personal views and normative behaviour can be obscured through the use of references to professionalism and policies. At the same time, the system's inherent bureaucratic inefficiency impacts on state control practices and affects outcomes, but also gives all actors the possibility to find ways around it. Hence, bureaucrats as well as irregularised migrants act both within the system and upon it (Herzfeld 1992, 56) and try to adjust and bend it in their own favour. They react to each other and at the same time to the changing legal frameworks. Hence, various devices and strategies are used by officials to escape the constraints, regulations and policy imposed on their daily work, while at the same time keeping up the system in order for it to function to a certain degree. This they do through what Scott has termed 'metis' and repair work. Metis, defined by 'knowledge that can come only from practical experience' (Scott 1998, 6), helps the street-level officials to adapt to constantly shifting situations and to respond quickly, which is exactly what keeps the system working. This Scottian moment of struggle over population control captures how actors move within a system, in which seemingly humane states increasingly shift towards more openly restrictive means to exclude a group of migrants deemed unwanted.

Until now most explanations of the failures in law and policy implementation focus on factors such as inadequate resources and staffing, the inefficiency of bureaucratic apparatuses as such, and political tolerance of irregularised migrants due to their economic value of constituting the 'underbelly of the workforce' (cf. Fassin 2013; Jahn and Straubhaar 1998; Papadopoulou-Kourkoula 2008; Engbersen and Broeders 2009). However, the relevance of (legal) knowledge and access to information, but also communication and the normative nature of law are also highly relevant aspects. While Cabot studies 'maneuverings through which individuals attempt to make tolerable lives within sets of conditions and constraints' (Cabot 2012, 23) and thus focuses on the migrant's perspective, the maneuverings of street-level bureaucrats have proven to be highly relevant in the discussion of the structure-agency dichotomy. As laws as well as policies are undeniably open to individual interpretation on various levels and in different degrees, state actors must navigate their daily work through obscurity, while coping with administrative tasks, sense-making and personal responsibility. While they are granted often substantial spaces of discretion and are expected to take decisions on a daily basis. Power is thus diffuse and opens up various possibilities to act upon. It is shifted back and forward, and both, bureaucrats and irregularised migrants, try to gain the upper hand in each meeting and interaction. This work has argued that arbitrariness is inherent in the system and partly used by street-level bureaucrat (conscious or not in their everyday work). This

constitutional ambivalence (cf. Tuohy 1992, 4) not only legitimises contradictory principles, but also underlines that power imbalances are simply upheld by rendering the state unreadable (Das 2004). Further, the mere availability of power on side of the state and the capacity of bureaucrats to exert it, which does not necessarily need to be enacted, keeps the system functioning (Stel 2017; Lukes 2005).

5.2 Gaps and outlook for future research

The interpretation of street-level bureaucrats regarding their tasks, moral views, as well as their organisational culture at times create obstacles for policy implementation. The detailed field notes describe daily struggles with communication, personal beliefs and a bureaucratic structure, which often support pragmatic and at times indifferent legal practices. Since the three articles focus on very specific maneuverings and street-level strategies, further research on how increasingly restrictive policies shape these actors' views and understanding of their work are of interest. This requires a more longitudinal study of bureaucrats and how their positions might for example change from what one officer during my field research referred to as 'red-to-blue shift' (Swedish border police 2017 on the political attitudes of police officers from left to conservative). The officer hinted to the fact that because their work has usually to do with criminal offences, one only sees a lot of negative situations and collects experiences, which may influence one to become more conservative ('blue'). Since police officers usually do not start to work within migration control after their education, but have years of experiences as mobile street patrols, with murder investigators and other crime, it is relevant to explore how this influences their position towards irregularised migrants whose cases mostly fall under the category of administrative and not criminal law. Further, it is relevant to analyse how the increasingly ostracising policies effect office cultures, routines and practices – also from a more postcolonial or decolonial perspective. Surely, the lens of critical whiteness studies can advance our understandings of how some practices are legitimised and targeting a particular group of migrant subjects. Its lens could 'reveal the invisible structures that produce and reproduce white supremacy and privilege' (Applebaum 2016), which is especially relevant when studying migration regarding who is allowed to enter on a legal basis. It would also advance an understanding of the historicity of migration flows and policies, while eventually delivering a theoretical framework to analyse street-level positioning towards certain groups of migrants. The categorisation between deserving and undeserving needs special attention, in particular because of increasing interaction between administrative migration law and criminal law. Here

research on ‘crimmigration’ (Stumpf 2006) has started to critically reflect on yet another subgroup of irregularised migrants, namely foreign national offenders, which might lose their right to reside due to their offenses. It also studies the intersection of penal power and migration control at large, which is what I have attempted to describe above.

As already mentioned throughout the methodological section, a clean-cut comparison between most similar offices within and across countries would eventually bring forward a more nuanced study of how and why certain offices follow similar or very different procedures despite a similar legislation (or attempts to harmonise migration policies on the EU level). Nevertheless, the presented research is innovative in nature and explores very different themes than could have been brought forward with a more traditional comparative approach.

I hope that this work brings forwards crucial points, which can be apprehended and used beyond the sphere of migration research. Indeed, the described organisational flaws, discretion, ignorance (or in other words the control of knowledge) and gap of communication, are paramount for our general understanding of bureaucracies and public administration. Since the articles are not exclusively published in migration related journals, it is hoped to have painted a broader picture of the ‘workings of the state’, through a bottom-up perspective.

6. References

(This is a complete list of references, including the references of the three articles)

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