

The background of the cover is a complex architectural floor plan in white lines on a dark blue background. It features various rooms, corridors, and structural elements, including a large circular area with a hexagonal pattern on the right side.

WAITING AND THE TEMPORALITIES OF IRREGULAR MIGRATION

Edited by
Christine M. Jacobsen,
Marry-Anne Karlsen and Shahram Khosravi



Waiting and the Temporalities of Irregular Migration

This edited volume approaches waiting both as a social phenomenon that proliferates in irregularised forms of migration and as an analytical perspective on migration processes and practices.

Waiting as an analytical perspective offers new insights into the complex and shifting nature of processes of bordering, belonging, state power, exclusion and inclusion, and social relations in irregular migration. The chapters in this book address legal, bureaucratic, ethical, gendered, and affective dimensions of time and migration. A key concern is to develop more theoretically robust approaches to waiting in migration as constituted in and through multiple and relational temporalities. The chapters highlight how waiting is configured in specific legal, material, and socio-cultural situations, as well as how migrants encounter, incorporate, and resist temporal structures.

This collection includes ethnographic and other empirically based material, as well as theorizing that cross-cut disciplinary boundaries. It will be relevant to scholars from anthropology and sociology, and others interested in temporalities, migration, borders, and power.

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1 Introduction

Unpacking the temporalities of irregular migration

Christine M. Jacobsen and Marry-Anne Karlsen

Introduction

While international migration involves human mobility across political borders, it also encompasses multiple, layered and complex temporalities. Recently, migration scholars have begun to unpack the temporalities at stake in modes of governing migration (McNevin & Missbach, 2018; Tazzioli, 2018), and how complex temporalities and discrepancies shape migration experiences and practices (Mavroudi et al., 2017; Barber & Lem, 2018). Scholars have also importantly drawn attention to how temporal frames inform different conceptualisation and understandings within migration scholarship (Çağlar, 2016; Ramsay, 2019a). Foregrounding temporality as an analytical lens can provide critical new knowledge about the socio-cultural dynamics of contemporary migration. Considerable advances have been made, but there is, we argue in this volume, a need to develop more conceptually robust approaches to time and temporality. While the mutual imbrication of time and space is crucial to acknowledge, we insist on a thoroughgoing temporal gaze as necessary to destabilising the dominance of spatial understandings of migration in anthropology and beyond.

This edited volume focuses on the form of migration that tends to be labelled irregular, or sometimes undocumented or 'illegal.' These terms refer to people who enter or dwell on state territory without formal authorisation, and comprise a wide range of situations, including those who remain on state territory after having overstayed their visa, having had their residency revoked or asylum application rejected or never having applied for residency or asylum. While some scholars have criticised the term 'irregular migrant' for becoming dangerously broad (Kubal, 2013), others have proposed what they see as more flexible and inclusive terms such as precarious migratory status (Goldring et al., 2009) and liminal legality (Menjívar, 2006). The boundary between 'regular' and 'irregular' in particular socio-historical contexts can often be overlapping, fluid and contextual. This is the case notably with the categories of asylum seekers and refugees and that of undocumented migrants. The widespread dichotomisation of these categories reflects regimes of power and interest as well as assumptions about individual agency or the lack thereof (Yarris & Castaneda, 2015), inscribed on bodies with long and

complex migration histories, often involving both political and economic violence and hardship. Furthermore, the broad spectrum of irregularity is not confined only to the non-citizen, and citizens may also sometimes get caught up in the deportation apparatus and become deportable ‘irregular citizens’ (Nyers, 2018).

Notwithstanding the challenges of terminology and different uses in the chapters of this edited volume, they all speak about migrants whose presence on state territory is somehow contested and/or legally precarious. In approaching such contested and precarious legal statuses, we are informed by the anthropological literature on the socio-legal production of ‘migrant illegality.’ In a landmark article published in the *Annual Review of Anthropology* in 2002, De Genova argued that it is insufficient to examine the ‘illegality’ of undocumented migration only in terms of its consequences and that it is necessary also to pay attention to the historically situated socio-legal production of migrant ‘illegality.’ In this volume the temporal dimension is accordingly discussed not only in terms of its consequences, such as the prolonged periods of waiting that are produced by contemporary border regimes, but also in terms of the role of time in processes of illegalisation or irregularisation in particular socio-historical contexts. Rather than approaching ‘irregular migrants’ as a generalised category, the volume aims to situate the analysis within distinct configurations of ‘illegality’ that are constituted within particular regimes of migration control (De Genova, 2002), but also in everyday life beyond legal codes, government policies and bureaucratic apparatuses (Coutin, 2003).

Engaging with the literature on time and migration, this volume zooms in on the question of waiting. In both research and public debate, there has been a proliferation of representations of refugees, asylum seekers and irregular migrants waiting in refugee camps, asylum reception and detention centres and at border crossings. In their fieldwork, ethnographers have increasingly encountered temporal insecurity and conflicts in time, as a crucial element of migrants’ experiences of (im)mobility and inequality. While some works have analysed waiting as a significant facet of (im)mobility (e.g. Vigh, 2009; Conlon, 2011; Anderson, 2014), waiting needs to be further explored as a particular engagement in, and with, time in migration. In combination with theories on time and temporality, we approach waiting both as a social phenomenon that proliferates in irregular migration and as an analytical perspective on migration processes and practices. According to Hage (2009a: p. 5), the analytical power of waiting derives precisely from its capacity to highlight previously overshadowed features of a social process or practice. Waiting as an analytical lens offers new insights into the complex and shifting nature of processes of bordering, belonging, state power, exclusion and inclusion, and social relations in irregular migration. Waiting is not only produced and experienced within such complex and shifting processes, it is in itself productive, and contributes to the production of migrant ‘illegality’ or ‘irregularity.’

A challenge for research into temporalities in irregular migration is to make explicit and explain the temporal entanglements, shifts and relations between multiple forms of waiting (Hage, 2018). Waiting in migration can include both quotidian forms of waiting, including waiting for public services and bureaucratic decisions, and more prolonged and open-ended forms of waiting, for regularisation, justice and uncertain futures. Dwyer (2009) describes these two forms of waiting as ‘situational’ and ‘existential,’ with the former being a reaction to things or events, and the latter an embodied state of being. He cautions, though, of mistaking this analytical tool for the territory it tries to map. As he points out: ‘There is no fixed line that separates situational and existential waiting. There is, instead, a personally experienced, and context-dependent, threshold’ (Dwyer, 2009: p. 25). The entanglement between situational and existential forms of waiting is something that runs through the chapters in this volume. While some of the situational forms of waiting are specific to migration, existential waiting in the form that Vigh (2008) calls ‘chronic waiting’ is arguably a constitutive practice of globalisation and central to the post-colonial experience as such (Bayart, 2007). Increasing precarisation contributes to spreading ‘existential stuckedness’ also to previously more privileged groups and regions (Hage, 2009b). Such conceptualisations of existential waiting destabilise neat partitions between citizens and migrants, and raise questions about historical, social and cultural specificities of waiting. What is the relation between subjective experiences and macro structures of waiting? And, particularly for the purpose of this edited volume, are there specific migratory forms of waiting?

A key concern in this volume is to contribute to the development of more theoretically robust approaches to waiting and migration, focusing on how temporal structures related to irregular migration are shaped by legal regimes, cultural norms and power relationships, as well as on how they are encountered, incorporated and resisted by migrants. As we will detail more later, we contribute to the existing literature by pushing further the understanding of the multiple temporalities of waiting, the relations between such temporalities and the normativities they involve. Chapters address questions of how waiting is worked on, and differentially experienced, at the intersection of multiple temporalities and social positions, tracing thus the social and relational contours of power in its temporal form. Paying attention to how migration regimes and geopolitical borders consign migrants to waiting, the chapters investigate the chronopolitics – or politics of time – involved in waiting and irregular migration.

Waiting as an analytical lens – what’s at stake?

One of the analytical difficulties posed by the notion of waiting is its inclusiveness. ‘Waiting’ spans not only an array of experiential phenomena (Hook, 2015) but is also related to diverse affects ranging from anticipation, desire, hope, urgency, doubt, uncertainty, anxiety, boredom, dread, anger, to

shame and apathy (Bandak & Janeja, 2018). Several important and insightful contributions have been published on waiting in recent years, including ethnographies of youth in India (Jeffrey, 2010), of welfare recipients in Argentina (Auyero, 2012), of hope and the future in urban Ethiopia (Mains, 2012) and of contemporary Iranian life (Khosravi, 2017). Edited collections by Hage (2009a), Dalsgaard et al. (2014), Vidal and Musset (2016), Pecheny and Palumbo (2017) and Bandak and Janeja (2018) have shed new light on how analysis of waiting can enhance the understanding of phenomena as diverse as capitalist modernity, neoliberal economic restructuring, love and gendered sexualities, white nationalism and ethnographic fieldwork. These volumes highlight waiting as a prominent feature of modern everyday life, to the extent that its familiarity and pervasiveness has meant that it is hard to pin down analytically and tends to be taken for granted in academic research. There is also, we argue, an acute need for greater awareness of how waiting, as a social and temporal practice, is represented and replicated in migration research. What does it mean to approach irregularised migration through the lens of waiting?

This book emerged from a 4-year interdisciplinary research project called *Waiting for an uncertain future: The temporalities of irregular migration*, or simply WAIT. One particular concern and recurrent discussion in the project, and with the larger group contributing to this book, was how to deal with the often tacit normativities implied in the concept of waiting. As Rozakou (2020: p. 25) poignantly asks in her chapter in this volume:

Is this scholarly emphasis on the migrant condition of waiting just the reflection of an empirical reality encountered in checkpoints, detention centres, asylum courts, and immigration bureaucracies? Or does it risk replicating a specific understanding of migrant temporalities that is produced by the migration regime?

Rozakou's questions draw on insights from scholars who have increasingly begun to problematise the exceptionality often attached to migrants in migration studies and how this is entangled with discourses that normalise migration-related differences and certain, often exceptional, modes of governance (Anderson, 2013; Dahinden, 2016; Ramsay, 2019b). Migration researchers risk reinforcing a logic of otherness when characterising migrants as people who occupy a distinct temporality related to their migration status (Çağlar, 2016). As Ramsay (2019a: p. 20) argues: 'We deny the coevalness of refugees by describing them as "stuck" in the present and ignoring the ways in which they share particular temporal rhythms with other people.' Ramsay (2019b) criticises in particular the tendency to analyse 'refugee' and 'migrant' as a distinct category of experience that is defined by lives lived in 'crisis,' which does not reflect the contemporary reality of how precarisation, stemming from the expansive effects of global capitalism, has made 'crisis' the norm in many contexts. Ramsay's critique

thus draws attention to the difference between understanding irregularised migrants' waiting as exceptional, or as emblematic of a more pervasive experiences of precarity caused by contemporary configurations of neoliberal capitalism.

The tendency to portray irregularised migrants' waiting as exceptional relates to how their condition of politico-legal exclusion is often conceptualised as a form of protracted in-between time through concepts such as liminality and limbo. In much migration research, these concepts are used to communicate a sense of temporal disjuncture, suspension and stagnation. The concept of liminality, as theorised initially by Arnold van Gennep (1909/1960) and Victor Turner (1967), refers to the position of being effectively betwixt and between categories of classification and has, as such, easily lent itself to analysis of migrants that do not fit into the categorical order of the nation-state system (Malkki, 1995; Menjivar, 2006; Brun & Fábos, 2015). Yet, the concept rests on the idea of a passage, thus problematically implying a temporal linearity where the subject is, or should be, reincorporated into a particular normative social structure.

The term limbo is Latin for 'in or on the edge or border' and was initially introduced by Christian theologians to describe a state or place in the afterlife for souls who deserved neither salvation nor damnation. Sometimes it was thought of as the waiting room to Purgatory (Capps & Carlin, 2010). In more recent times, limbo is used to refer more generally to an intermediate and indeterminate state of confinement, abandonment and oblivion. Although limbo tends to be used more as a metaphor than as an analytical concept in studies of irregularised migrants, it risks giving an impression of a locked and consequently static situation in which people wait passively for a better life (Brun & Fábos, 2015; Hightower, 2015).

A key challenge with concepts such as limbo, liminality and waiting is their simultaneous vernacular and theoretical usages. Ethnographic studies, including chapters in this volume, have extensively and forcefully documented how refugees, asylum seekers and other irregularised migrants consider themselves in a state of limbo, liminality or as waiting. Yet, there is a challenge when such experiences are conflated with theoretical conceptualizations of limbo and liminality (Ramsay, 2019a). Such conflation not only reinforces perceptions of migrants as people 'out of time' with others but also rests on the assumption that the 'normal' life of citizens is secure and stable. Moreover, by positioning reinsertion into a system of national identification as the solution, such conceptualisation can inadvertently reify the national configuration of society, or what Malkki (1995) has aptly termed the 'national order of things.'

In this volume, we seek carefully to avoid reproducing or naturalising assumptions about the nation-state. How waiting as an analytical lens is susceptible to the practice of methodological nationalism in ethnographic work, that is the implicit acceptance of the territorial nation-state as the natural model of society, is explored explicitly in Drangslund's chapter in

this book. She does this through a commendable exercise in self-reflexivity regarding her own embeddedness as researcher in the normalisation discourse of the migration apparatus. Reflecting on her attempt to reassure a distressed interlocutor, she shows how the state assumed the position as the redemptive endpoint to waiting.

Our concern regarding the normativities associated with the concept of waiting, though, extends beyond questions of exceptionality and methodological nationalism, to consider how waiting is deeply enmeshed in modern conceptions about linear time and progress. This is a challenge also when approaching waiting as emblematic of more pervasive experiences of precarity that are the effect of contemporary configurations of neoliberal capitalism. In modern societies, time is associated with success and money, and approached in terms of how it most efficiently can be used (Eriksen, 2001). In this context, waiting symbolises waste, emptiness and uselessness. A focus on waiting in irregular migration may thus unwittingly reinforce images of migrants as unproductive ‘human waste’ (Baumann, 2004). There is a need to further problematise the gender, sexual, class, and racialised norms that are, often implicitly, found in ideas about lives put on hold, be it from particular life cycle expectations or expectations of productivity and development. The literature that examines ‘waithood’ (Honwana, 2013) as a prolonged suspension period in the transition from childhood to adulthood, for instance, risks reifying the gendered and heteronormative assumptions underpinning such expected life-courses if the gendered norms and power structures at play are not addressed as part of the analysis. Similarly, concepts such as liminality and limbo do not only position reinsertion into the national order as the solution but also the reincorporation of the subject into the roles and rhythms of supposedly ‘normal’ social life. The authors in this volume seek to acknowledge migrants’ experiences of having their lives put on hold without re-inscribing gendered, sexual, classed or racialised normativities. Rather than taking the normative times of capitalism, nationalism and the family for granted (Halberstam, 2005) and seeing irregular migrants as outside of or excluded from them, we pay attention to how ‘waiting’ may serve instead to open a space for new subjectivities and relations.

When we started working on the WAIT project and this volume we considered proposing the concept of ‘waitinghood’ as a ‘thinking tool’ through which to articulate and explore the complexity of constructed, contested and performed temporalities involved in ‘migratory waiting.’ Adding the suffix ‘hood’ was meant to introduce a space for thinking analytically about waiting, beyond the ubiquitousness of waiting as a mundane act that permeates society. Moreover, we hoped to capture the significant tangible, as well as discursive characteristics of waiting in the context of migration. Beyond the mere awkwardness of the concept, we acknowledged however the potential difficulties related to the use of the suffix of -hood. ‘Hood’ as a suffix is used in an amazing number of ways, but it most often works to form concepts that presuppose some sort of imagined community or temporally and/

or spatially delimited category to which people do (not) belong, or might (not) enter/leave (see Snitow, 1992; Kanno & Norton, 2003). Furthermore, these are often based on gendered, classed and racialised imaginaries. As Drangsdal (2017) argues, ‘hood,’ as a word-forming element, thus risks naturalising something as an objective fact of life, in this case irregular migrants as ‘people who wait.’ Instead of proposing a new concept, we decided to remain alert to the concerns regarding the implicit normativities of waiting, in its vernacular as well as academic use, when carefully unpacking ethnographies of waiting as configured in specific legal, material and socio-cultural situations. In what follows, we also propose two ways to further develop waiting as a robust analytical lens in migration studies. Our first contribution is to conceptualise waiting as constituted in and through multiple and relational temporalities. Our second contribution is to highlight the significance of the geopolitical and chronopolitical locations of waiting.

Waiting as multiple and relational

Through ethnographic and theoretical explorations of waiting in migration, this volume can be situated within the ‘temporal turn’ in the social sciences. Social theories of time and temporality have importantly highlighted how time is multifaceted and complex, consisting of multiple, uneven and entangled temporalities (Adam, 1998; Bear, 2014, 2016; Sharma, 2014). In this volume, authors seek to move beyond a mere catalogisation or typologisation of the temporal dimensions of migration to critically investigate the temporal hierarchies and relations that are embedded in various migration and border regimes, as well as the technologies that connect and synchronise multiple temporalities and power relations. Chapters address the co-existence, entanglements and relation between forms of waiting, and how different forms of waiting are shaped by multiple temporalities in migration processes and control. This is amongst other done through an analysis of structural elements of time such as duration, tempo, timing, sequence and directionality.

Waiting as a temporal phenomenon is too often not unpacked beyond general assumptions about stasis, suspension, emptiness and slowness. Taking temporal complexities seriously, we contend, involves attending to the relations between social framings of time (including abstract measures of time and routines associated with state bureaucracy, capitalist production, social reproduction and cultural norms) and human experiences of time, as well as between the different tempos, paces and rhythms associated with different practices. Several chapters in this volume focus on the relationship between the slowness often associated with waiting and ‘acceleration’ of tempo. These do not interrogate waiting merely as an opposed secondary relation to or residual product of acceleration, but rather show how the interplay between multiple tempos produces and shapes situations of waiting in irregular migration. In Rozakou’s chapter, an ‘accelerated’ influx of refugees

during the ‘long summer of migration’ in Greece creates new configurations of hastening and waiting. Whereas in the case discussed by Rozakou acceleration brings about a loss of temporal control and a reshaping of the rhythm at the border, Jacobsen analyses acceleration in French migration policies as a form of temporal control to which migrants must recalibrate. Eriksen, focusing on how the smartphone frames waiting in particular ways, argues that it may also function as an antidote to waiting by accelerating communication and social connectivity, thereby filling temporal gaps which would otherwise have been left empty.

Waiting can also be explored as particular relation or orientation to the past, present and/or future. The nature of these temporal relations or orientations, though, might vary. So far, most literature has tended to conceptualise waiting as a temporal orientation towards the future. It is, according to Bissell (2007: p. 282), the promise of ‘the event-to-come’ or ‘the not-yet’ that is seen to bring about the experience of waiting. Crapanzano (1985), in his influential ethnography of white South Africans during the last days of Apartheid, foregrounds the future orientation of waiting as inducing a paralysis where the present slips away, and meaning can only be found in the future or ‘in the arrival or the non-arrival of the object of waiting’ (Crapanzano, 1985: p. 44). Drawing on Bourdieu (2000), Jeffrey (2010) also connects waiting to a loss of a sense of a viable future. He understands waiting as produced primarily by a breakdown between the expectations that are built into the habitus and the probabilities that are built into the social field. As such, he draws attention to how past experiences and upbringing as well as the spread globally of linear progressive time through the colonial and postcolonial project of ‘development’ produce waiting among unemployed lower middle-class young men in India, who continue to study for years unable to access public sector jobs. Bissell (2007), however, has warned that a means–end, purposive conceptualisation of waiting risks uncritically to reduce waiting to empty or dead time.

Scholarship on irregular migration has also to a large extent related existential or chronic waiting to an experience of the future being foreclosed. The lack of legal status is seen to constrain peoples’ ability to make long-term plans and to imagine their future. What this means for migrants’ relation to the present though seems to be ambiguous. While some have described waiting in temporal terms such as timeless or endless present (Griffiths, 2014), lack of meanwhileness and being out of sync (Griffiths et al., 2013), and associate waiting with a sense of waste (Haas, 2018), others have conceptualised migrant illegality as an enforced orientation towards the present (De Genova, 2002). In the latter form, the uncertainty over the future is seen to produce an overly powerful present, rather than the present being relegated to a context for realising the future.

Several chapters in this volume critically interrogate the temporal directionality of waiting. Problematising future-oriented conceptualisations of waiting, Drangslund warns in her chapter of how waiting as an analytical

lens can lend itself to a reductive reading of migrants' lives. She suggests that by trying to reassure her interlocutor by proposing vocational training as a pathway out of irregularity, she configured waiting's now as a 'not yet' of a particularly awaited future. She was thus not sufficiently attuned to the complexity and heterogeneity of her interlocutor's 'now.' This 'now' should be conceptualised as a constellation of interrelations that are biological, material, legal and affective, and imbued with relations of power, she argues. Drawing on fieldwork among so-called long-staying rejected asylum seekers in Norway, Karlsen explores endurance or 'waiting out' as a particular way of inhabiting the temporal category of waiting that emphasises living through the present conditions rather than focusing on finding pathways to a desired future. 'Waiting out' denotes here both the affects and practices that allow people to persevere under unfavourable conditions, and a mode of governing the self in times of crisis that works by positioning waiting as something that can be done well or badly (Hage, 2009b; Povinelli, 2011).

How temporal disjunctures or irregularities are produced through immigration laws and enforcement is another central theme explored. In Schultz's chapter, she demonstrates how the turn towards more temporary protection has unsettled the concept of asylum in Europe. Rather than functioning as a supplementary or exceptional response, temporary policies now infiltrate the mainstream practice of refugee law and thereby refigure refugees' future imaginaries. The 'final' decision on refugee status as a much-anticipated end to waiting, Schultz argues, is replaced by prolonged uncertainty concerning permission to remain in the country of refuge, reinforcing the 'invisibility, immobility, uncertainty and arbitrariness' associated with chronic waiting (Khosravi, 2014). Uncertainty related to temporariness is also produced by the massive South African deportation campaigns, described by Machinya in his contribution. Machinya argues that migration control in the form of deportation campaigns simultaneously accentuates undocumented migrants' sense of deportability and plunges them into a profound state of 'temporal irregularity' in which they regard arrest and deportation as inevitable but are unsure of when and how this will materialise. His analysis shows how undocumented Zimbabwean migrants lived in constant anticipation of expulsion, and how the affective state of anticipatory preparedness prevents migrants' from making durable investments. The importance of affects such as anticipation, anxiety, uncertainty but also desire, hope and urgency rings through in several of the books' chapters.

The temporal architectures of waiting

The literature on waiting in relation to migration has so far tended to be ethnographically oriented and framed by a phenomenological approach, focusing on the ways in which time is experienced and lived (Barber & Lem, 2018). While much of this phenomenological literature approaches waiting as a way of experiencing (state) power, how waiting is produced by legal

regimes, cultural norms and power relationships remains under-explored. Rather than seeing waiting simply as a practice unfolding in time, or a particular experience of time, the authors in this volume investigate (ethnographically, theoretically and from a legal perspective) how practices related to migration, bordering and migration control produce waiting as a temporal phenomenon. As Jacobsen suggests in her chapter, complex compositions of laws, built environments, services and technologies structure the time of irregular migrants and asylum seekers, and produce time-spaces and experiences of waiting. Paying attention to such ‘temporal architectures’ (Sharma, 2014), authors in this volume carefully account not only for how waiting is experienced by migrants but also for how it is relationally configured in different settings, for different groups of migrants and over time, in particular geopolitical and chronopolitical locations.

One attempt to develop a more systematic analysis of how ‘the condition of migrant illegality’ is configured in different settings is Willen’s (2007) ‘critical phenomenology.’ This critical phenomenological approach involves a three-dimensional model of illegality: First, as a form of juridical status; second, as a socio-political condition; and third, as a mode of being-in-the-world. Though not necessarily taking a phenomenological approach as a point of departure, the analyses of waiting proposed in this volume span the three dimensions identified by Willen. Irregularity is above all a product of law, and the volume aims to deepen the understanding of how refugee and immigration laws establish and sustain particular forms of waiting. By exploring temporal tension within and between laws, and between ‘legal time’ and other forms of time, chapters in this volume critically build on and extend insights from the anthropological literature on the socio-legal production of migrant illegality (De Genova, 2002, 2004; Coutin, 2003). Several chapters specifically trace legal productions of waiting, be it in the context of unaccompanied minors in France waiting to be assigned a legal age in Musso’s chapter, migrants held in indefinite detention in De Genova’s chapter, or, in Schultz’ chapter, refugees put in a prolonged temporary situation due to the return-turn in Norwegian migration policies.

Alongside the legal and administrative production of waiting, capitalism manipulates time in the production of global inequalities. While most chapters are concerned predominantly with temporalities associated with the bordering and migration control of states, they also acknowledge the importance of political economy and capitalism as a powerful structuring of time and waiting in contemporary societies. As Hage notes, ‘[t]here is a political economy of waiting, not least because “time is money” and waiting can be a waste of time’ (Hage, 2009a: p. 3). The political economy of migrants’ waiting has also been discussed in relation to the reproduction of the exploitable workforce required by capitalist economies. In his previous work, De Genova (2013) has argued that refugee camps and detention centres serve the function of either containing surplus labour or releasing workers intermittently and under conditions that make workers more exploitable.

Such containment also creates conditions for not-detained migrants' inclusion in the workforce as cheap, docile and disposable labour (De Genova, 2013; Tsianos & Karakayali, 2010). In his chapter in this volume, De Genova draws attention to how tactics of precaritisation – here in the form of one's susceptibility to being indefinitely detained – contribute to the creation and maintenance of migration as a reliable, mobile, flexible and ultimately disposable source of labour-power (cf. De Genova, 2018; Golash-Boza, 2015). By rendering all of life unstable and unpredictable for migrants subjected to detention or the threat of detention, detainability refines and exacerbates the sheer disposability of migrant life and intensifies migrants' precarity, he argues.

This logic of precaritisation and exploitation of labour-power is not necessarily generalisable across different socio-historical locations, though. In a conversation with Papadopoulos, Hage (Hage & Papadopoulos, 2004) argues that the logic of exploitation of slaves and migrant workers is radically different from the contemporary logic of 'pure exclusion' vis-à-vis refugees. According to Hage, pure exclusion has not been the dominant logic of capitalism historically. Capitalism generally promotes the logic of exploitation, rather than a spatial and physical keeping out, that for a large part characterises for instance European responses to the 'refugee crisis' of 2015. The political economies and temporal logics of exclusion and inclusion of various groups of irregularised migrants and refugees, we suggest in this volume, cannot be assumed a priori. Instead, taken together, chapters point towards a need to carefully situate logics of exploitation, exclusion, 'differential inclusion' (Andrijasevic, 2009, Mezzadra & Neilson, 2013) and 'precarious inclusion' (Karlsen, forthcoming) and their temporal configurations.

In her chapter Jacobsen shows how, in the French context, the usurpation of migrant's time by the asylum system and bureaucratic procedures may further precarise them within the labour market. Their time is coded as 'empty' waiting time in need of being filled rather than as potentially productive time geared at the realisation of migrants' own present and future projects. Drangsdland, in her chapter, shows how migrants' time in the German context is conjured up to futures defined by the state and its economic and demographic concerns. She discusses how particular arrangements such as the so-called *Ausbildungsduldung* serve to discipline irregular migrants, conjuring up their future to the future needs for labour force in the German economy. In contrast, Karlsen's chapter deals with rejected asylum seekers in Norway, who remain excluded from the labour market, and live their 'waiting' within humanitarian 'endurance projects' (Feldman, 2015), which seek to enable people to live differently with their conditions – rather than changing them.

While waiting and temporal bordering has tended to be discussed in terms of political economy notably in the United States, the European context, in particular since the so-called 'refugee crisis' of 2015, has been more focused on the humanitarian dimension. Some scholars have addressed

waiting in camps and detention centres by drawing attention to the role of humanitarian reason in migration management. Attempts to humanise accommodation and waiting times for asylum seekers is here seen to contribute to legitimising and depoliticising confinement and waiting itself (Tyler et al., 2014; Morris, 2016; McNevin & Missbach, 2018). Brun (2016) reveals the limits of prevalent understandings of temporality in the canon of the humanitarian system. The mission to save biological life, she argues, does not entail a concept of a future. Instead, humanitarian interventions produce and rely on knowledge that puts biographical lives on hold.

The reliance on knowledge that puts biographical lives on hold is given a particular twist in Musso's discussion (2020) of age evaluation and the emergence of unaccompanied minors as a new 'humanitarian population' in the French debates in the 2000s. Procedures for age evaluation are put to use to separate out minors to be placed under child protection authorities from adults who are deemed in an irregular situation. This creates a 'new humanitarian population' characterised by its vulnerability, to which bodies are put through tests to prove their minority and their isolation. Several other chapters draw attention to the humanitarian logics that traverse migration control and bordering, and that contribute to the socio-legal and experiential production of waiting. The identification of humanitarian populations based on criteria of vulnerability are sites of tensions and controversies. This is evident also in Camminga's chapter. Camminga shows how, in relation to refugees' resettlement, vulnerability remains a key comparative that sets some groups, as more vulnerable, apart from and therefore more in need than others, as is the case with LGBTI refugees in the Kakuma camp. Being defined as particularly vulnerable does not automatically translate into prioritisation in the form of less waiting time or less precarious waiting conditions, however. As the chapters by Musso, Camminga and Rozakou demonstrate, complex dynamics of invisibility and visibility configure waiting time in particular ways for differentiated migrant populations.

A challenge with deploying waiting as an analytical lens, and particularly in the context of populations deemed particularly vulnerable, is the risk of producing one-dimensional accounts of passive and powerless victims, as well as of a homogenous mass, whose lives are simply put on hold. Recent literature focusing more explicitly on time has started to unpack how migrants manoeuvre to make tolerable lives within, or to overcome, the constraints of their status, as well as how waiting is filled with substitute meanings (Brun, 2015; Rotter, 2016; Sampson et al., 2016). Bendixsen and Eriksen (2018), in their work on Palestinians categorised as irregular migrants in Norway, show, for example, how, by setting up a protest camp in Oslo, a group of Palestinians attempted to transform their wait into an active state by giving it direction. Conceptualisations of the future, or 'temporal horizons,' were sources of both fear and hope that prompted action in the present in an attempt to recapture time and shape the future. However, their study also shows the fragility of this exercise.

As an analytical device, waiting has the potential to foreground the ambivalence of agency (Hage, 2009a). Crapanzano (1985) attempts to capture this ambivalence conceptually as ‘passive activity’ to highlight that waiting is something one actually does. Hage (2009b) suggests that ‘waiting out’ in situations of stuckedness implies a certain heroism as it involves asserting some agency over the very fact that one has no agency by not succumbing and becoming a mere victim. Waiting can, in this sense, be understood as a strategy of defiance where out-waiting becomes a form of outwitting (Sutton et al., 2011). Brun (2015), discussing the case of internally displaced persons from Abkhazia in Georgia, adopts ‘agency in waiting’ as a way of exploring how migrants simultaneously carry on, feel trapped and relate to alternative notions of the future through their daily activities.

Rather than providing a generalised account of waiting as active or passive, or as a passive activity, chapters in this volume explore how people’s ‘capacity to act’ is differentially and relationally shaped in concrete situations. In so doing, they draw on a variety of theoretical resources and analytical elaborations of agency. In her chapter, Karlsen discusses her interlocutors’ simultaneous ‘waiting for’ and ‘waiting out’ in light of Vigh’s (2009: p. 425) conceptualisation of ‘social navigation.’ ‘Social navigation’ takes into account how individual practices are entangled with a wider web of power relations, as migrants assess dangers and possibilities of their present position as well as plot and attempt to actualise routes into an uncertain and changeable future. Putting Sharma’s (2014) concept of ‘power-chronographies’ to use, Jacobsen’s contribution to this volume also situates migrants’ waiting within wider power relations and analyses the ways in which migrants ‘recalibrate’ or synchronise their body clocks, their sense of future and the present, to the tempo, duration and directionality of complex ‘temporal architectures.’ In Rozakou’s chapter, she presents a nuanced relational account of how diverse actors such as border-crossers, police officers and various border brokers worked within the accelerated rhythm of the border during the 2015 ‘refugee crisis.’ The centrality of questions of visibility and invisibility to how people’s capacity to act are configured is brought out both by Rozakou and in Camminga’s chapter on LGBTI refugees in the Kakuma camp.

A different approach to agency is carved out by Eriksen (2020), who in discussing migrants’ use of smartphones and their various applications draws attention to technology as fundamental to how migrants manoeuvre the social and cultural fabric of their surroundings. He makes use of the concept of ‘affordances’ to analyse the opportunities and constraints, often unacknowledged by the actors but inscribed into their bodily actions, offered by a particular environment. The concept of ‘affordances’ draws attention to the materiality of waiting in migration, notably the materiality of technologies such as the smartphone in Eriksen’s chapter, the social media platforms invested by LGBTI refugees discussed in Camminga’s chapter, or the software used for distributing appointments to the Préfecture in Jacobsen’s chapter.

The materiality of bodies and of built environments such as camps, waiting rooms, train stations and other urban spaces are further crucial to how waiting is produced and experienced. Camminga shows how in the Kakuma camp, the UNHCR facilitated the sectioning off of a protection area – essentially encamping LGBTI refugees within the camp – marking them thus out and making them visible to those perpetuating the anti-gay violence they were meant to be protected from. In Musso’s chapter, on the other hand, the ‘truth of the body’ is determined through such bodily materialities as testicles, breasts and pubic hair, distinguishing between those who will receive protection as ‘minors’ and those who will be categorised as ‘irregular migrants.’ Drangland’s contribution to this volume brings out how the aging of one’s body can be experienced as time uncontrollably passing, in the sense that the reproductive future that young men and women envision for themselves at a certain point become unobtainable.

Situating the contributions

The book is organised in three parts. The first part, *The Multiple Tempos of Waiting*, seeks to unpack waiting as a temporal phenomenon beyond assumptions of stasis and suspension by drawing attention to the interplay between multiple tempos in migration processes and control. Unpacking a rich ethnographic material, the chapters paint a complex picture of the uneven temporalities and power structures that shape situations of waiting in irregular migration. Part two, *The Social Relations of Waiting*, traces the complex interactions between waiting, mobility and immobility and relations both to places, to significant others and to particular presents and futures. The chapters show the ways in which migrants’ life projects unfold within a temporal context defined by waiting for either deportation, legalisation or to be reunited with loved ones. In doing so, they also challenge the normativities involved in conceptions of the social. The third part, *Legal Temporalities and Waiting*, deals with the significance of immigration and refugee law to the production of waiting in migration. The chapters highlight how tension within and between laws produces conditions of temporal precarity for particular migrant groups such as LGBTI, unaccompanied minors, asylum seekers and detainees.

While the volume combines ethnographic, legal and theoretical approaches, most chapters build on ethnographic fieldwork conducted by the authors. Anthropological definitions and demarcations of ‘the field’ remain fundamentally anchored in tropes of location and spatiality. But ‘the field’ is arguably also temporally constituted. As Dalsgaard and Nielsen (2013) point out, doing fieldwork entails periodicity, durationality and rhythms, so that the notion of multi-sited fieldwork, which is often invoked in studies of migration, could be complemented by the notion of a multi-temporal ethnographic practice. When studying waiting and irregular migration, there is a further twist in that temporality (as event, period, duration, tempo, rhythm)

is both the subject to be explored and constitutive of the field. In other words, the temporalities of ethnographic practices inevitably become entangled with the temporalities that the ethnographer observes ‘in the field.’ This necessitates a further disentanglement (Hage, 2018) of temporalities of waiting, which also positions the researchers as part of the temporal field they investigate. Such positioning of the researcher also needs to include critical reflection on the risk of (re)colonising other people’s ways of understanding time and waiting, as explicit in particular in the discussion in Drangslund’s chapter.

The chapters in this book span not only different geographical locations but also contain and actualise a variety of social times and temporalities. In recent research and public debate on migration in Europe, the onset of the so-called ‘refugee crisis’ in 2015 has served as a powerful chronotope. In this volume, some authors explicitly locate their contribution as an engagement with this particular time–space, as in Rozakou’s account of the acceleration and reconfiguration that took place during the ‘long summer of migration’ in Greece. However, Rozakou’s chapter also speaks to the intersecting time of the ‘economic crisis,’ with its series of sudden reforms and austerity measures that led to impoverishment and loss of income and property of the Greek population. The multiple temporalities in which waiting and hastening are produced in this field site, not least the experienced existential ‘stuckness’ of Greek border police, are thereby brought to the fore. Similarly, Drangslund, in her chapter, discusses a measure that was established and gained significance in Germany in the context of the ‘refugee crisis,’ and Eriksen’s chapter focuses on the mediatisation and digitalisation of movements during the ‘Syrian refugee crisis.’ As powerful as the chronotope of the ‘refugee crisis’ has been in Europe, other field sites contain and actualise other social times and temporalities. The waiting of Karlsen’s interlocutors in Norway stretches well beyond the recent crisis, as most of them have stayed in the country with a precarious legal status between 7 and 12 years, and some as long as 20 years. In Camminga’s chapter it is the criminalisation of LGBTI people in certain African countries, notably the Ugandan anti-homosexuality act passed in 2013, and UNHCR’s increased focus on protection of LGBTI refugees which offer the temporal coordinates for the analysis of waiting events. Machinya’s chapter evokes the mounting xenophobic violence in South Africa, and the increasing criminalisation of migration through state-initiated deportation campaigns.

Lastly, we acknowledge the multiple temporalities of scholarship. Faced with ‘urgent matters,’ often framed as some form of crisis, scholars of migration may indeed experience that the ‘slow’ knowledge they produce is ‘out of sync’ with the ever-changing terrain of mobility and migration control. As such, our effort to develop more robust analytics of waiting in irregular migration can be read as a form of ‘navigation’ of trying to make sense of an ever-shifting terrain of laws, built environments, technologies and bodily materialities, fixed in writing at a particular moment in time.

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Part I

**The multiple tempos
of waiting**



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2 The violence of accelerated time

Waiting and hastening during 'the long summer of migration' in Greece

Katerina Rozakou

Shifting border temporalities

'Flows' of border-crossers reaching the shores of Europe in 2015 constituted what has widely come to be known in media and political discourses as the 'European refugee crisis.'¹ The aquatic metaphor of the 'flow' that is so dominant in representations of the 'crisis' has dehumanising and securitising effects. The border-crossers are depicted as an undifferentiated mass of people, embodying bare humanity (Malkki, 1996) and a threat to the European borders which momentarily seemed unable to serve their halting and decelerating functions. Not only that the flow metaphor is problematic, it also produces particular political effects related to the crisis as an exceptional moment that calls for specific responses and remedies. In this chapter, however, I am interested in a different aspect of this 'flow' and the analytical potential that it conveys. I suggest we turn our attention to the accelerated rhythm of the border and the reconfigurations of the temporal regimes of power that occur in this historical conjuncture.

Known as 'the long summer of migration' (Kasperek & Speer, 2015), the summer and autumn of 2015 was a time of (relatively) unhindered mobility for the border-crossers who arrived to Europe through the Mediterranean Sea and carried on their journey to Western and Northern Europe through the Balkan route. This period in time has been studied as a spectacular moment of mobility. From the autonomy of migration perspective, the force of human mobility not only disrupted but overtly contested the fortified EU migration regime provoking a crisis of EU borders and Europe itself (De Genova, 2017). Vivid ethnographic accounts record the force of movement, the disparate field of actors and the role of activist groups that moved as vigorously as the border-crossers (Kallius et al., 2016; Papataxiarchis, 2016a, b; El-Shaarawi & Razsa, 2019). The Balkan route lends itself to an anthropological approach of the road and mobility, their particular spatialities and temporalities (Dalakoglou & Harvey, 2012). For example, Bernd Kasperek (2016) approaches the transformation of the Balkan 'route' into a 'corridor' as a political move that aimed to control and channel a form of human mobility that, until then, was not mediated by states. Whereas the 'route' was

the space formed by spontaneous and defiant mobility, the ‘corridor’ converted mobility into passive and governed movement. The border-crossers were no longer in control of their speed or trajectories (Kasperek, 2016: p. 6).

In this chapter, I do not focus on the spatial aspects of ‘the long summer of migration.’ Instead, I suggest that the rupture in the borders that occurs at this historical moment invites us to rethink not only migrant spatialities but also our understanding of migrant temporalities. The condition of waiting seems to be fundamental in the experience of illegalised migration and it has been thoroughly examined in meticulous ethnographies. Instead of this picture, I here draw a different one: a picture of acceleration, speed and hastiness (see also Jacobsen, 2020; Eriksen, 2020). The stillness, slowness and inactivity that have (correctly in my opinion) been associated with the disempowering, dominating and punitive core of the migration/border regime gave their place to constant movement, velocity and robust activity. In tracing this shift, I do not claim some inseparability between time and space. In fact, time and space are intertwined in mobility (Munn, 1992). Categories such as immobility, stillness and stuckedness are more than temporal features. They illustrate the co-constitution of the temporal with the spatial dimensions of mobility. Neither do I intend to embrace a dualistic approach of waiting that the editors of this volume caution us of (Jacobsen & Karlsen, 2020, Introduction). Acceleration is not equated with liberation and emancipation, just as waiting is not de facto a state of inactivity and passivity.

In particular, I explore ethnographically the shifting temporal regimes of power through the encounters of various actors who inhabited the border on Lesbos during the summer of 2015. What was the relationship between acceleration and deceleration in that spatio-temporal context? How might we figure such accelerated time into accounts of waiting? How were border temporalities produced relationally? And how did border-crossers, police officers who guarded the border and various border brokers experience and work within these shifting temporal rhythms?

The chapter is organised around these different figures on the border and how they struggled for control over time, chased time, attempted to hasten or slow time down and mediated within the temporal border regime. As I will show, not all border-crossers partook in this new accelerated rhythm of the border. Border-crossers who were not classified as deserving but also the ones who became (though, again, randomly) the par excellence subjects of care and protection such as the unaccompanied minors, and others who could not or would not mobilise the random border brokerage system, became ‘forgotten.’

The chapter is based on research I conducted between 2014 and 2016 in Athens and Lesbos. During the summer and autumn of 2015, I did field-work inside the Moria camp, then registration and identification centre for border-crossers on the island of Lesbos. Over the following years I had the chance to return to the Moria camp, which had become emblematic of the

shifting Greek and EU border and migration policies and a site for the implementation of various caring and policing innovations. The Moria camp is the location of the ethnographic vignettes that structure this article. Nevertheless, my observations are also drawn from pre-removal detention centres in Athens, as well as my research on deportation and with pro-immigrant solidarity groups, non-governmental organisations (NGOs) and intergovernmental organisations (IGOs) since 2014.²

Acceleration and deceleration

The state of being for the asylum seeker and the illegalised migrant is one of waiting. Slowed down trajectories and limbo are considered as its fundamental elements materialised in lengthy border registration procedures and protracted pre-removal detention. Borders that halt and regulate mobility, long queues, bureaucratic mazes and detention centres where time is decelerated if not frozen; all these are images associated with migrant waiting. It comes as no surprise that waiting is such a central theme in migration (and asylum) scholarship and especially illegalised migration as it offers itself for vibrant analyses of power in the migration and border regimes.³ Several studies illustrate the ways in which waiting informs particular subjectivities and precarities for asylum seekers, rejected refugees and irregular migrants (Mountz, 2011; Lucht, 2012; Andersson, 2014; Cabot, 2014; Griffiths, 2014; Khosravi, 2014; Biehl, 2015; Rotter, 2016; Turnbull, 2016; Bendixsen & Eriksen, 2018; McNevin & Missbach, 2018). Less attention, however, has been paid to the struggles over time and its ownership by diverse actors involved in migration control (Eule et al., 2019).

Despite the disempowering and even paralytic aspects of waiting, waiting is not merely associated with desperation, passivity and inactivity. Waiting can be meaningful and active (Brun, 2015) or even form the ground for mobilisation (Bendixsen & Eriksen, 2018) and political possibility (Mountz, 2011). Protracted waiting can also be abruptly transformed to violent acceleration in deportations (Griffiths, 2014) or during the migrant journey where stasis and speed alternate (Andersson, 2014).

But does the prominence of waiting in scholarly analyses merely reflect the migrant condition and the effects of the migration/border regimes on migrants' subjectivities? Is this scholarly emphasis on the migrant condition of waiting just the reflection of an empirical reality encountered in checkpoints, detention centres, asylum courts and immigration bureaucracies? Or, does it risk replicating a specific understanding of migrant temporalities that is produced by the migration regime?

More recently, scholars have called attention to the latter points through the critical unpacking of our epistemological obsession with migrant waiting. As Ayşe Çağlar (2016) and Georgina Ramsay (2019) argue, by emphasising if not actually reifying the differential temporalities of the migrant experience, researchers have committed the same 'denial of coevalness'

(Fabian, 1983) of which anthropology and ethnographic ‘othering’ has been found guilty. Just as the ‘primitive’ Other was constructed as residing in a different temporality by anthropology (Fabian, 1983), migration scholarship has placed migrants in a different temporal reality. Çağlar (2016) suggests that we turn to the shared temporality between migrants and non-migrants, and, in a similar vein, Ramsay urges scholars of displacement to shift their analytical view to the precarity and uncertainty that both refugees and citizens share (Ramsay, 2019).

I consider these critiques as important and fruitful and, taking as my vantage point the ‘long summer of migration’ of 2015, I turn my attention to acceleration and to moments when waiting and hastening interchange. At that time acceleration reconfigured the power relations between various border actors. Moreover, it became a distinguishing mark between different categories of border-crossers and it introduced a sense of urgency in the experience of waiting. Even more than before, border-crossers were pressured to chase time. The existing literature on waiting illuminates waiting as part of techniques of domination and temporal control on subaltern populations whether these are migrants or poor people seeking welfare services (Auyero, 2012). In a similar, yet quite different vein, I approach acceleration in regard to power and thus explore ‘the link between time and power’ not in waiting/ deceleration (cf. Bourdieu, 2000: p. 228) but in acceleration. However, instead of seeing acceleration as the direct opposite of deceleration, I argue that, in the context of border crossing, acceleration was a reconfiguration of situational waiting.

For Paul Virilio, cultural theorist and author of an influential critique of acceleration, the militarisation of urban space and the technological organisation of social existence produce a particular political economy of speed (Virilio, 1986). The ‘dromocratic society of hypermodernity’ is a society dominated by the logic of speed. The world is accelerated, in Virilio’s terms, and this has a severe effect on social, political and cultural life (Armitage, 1999).

Speed is associated with modernity (Eriksen, 2016), the information age (Eriksen, 2001) and capitalism (Ngai, 2005; Tomlinson, 2007). This pervasiveness of velocity signifies the triumph of time over space that prevails in our times of ‘liquid’ modernity (Bauman, 2000). Relentless acceleration is a crucial and constitutive element of the precarity and inequality of late capitalism (Bear, 2016). Despite such dystopic accounts of speed, recent analyses emphasise that speed can also be associated with the prospects of freedom and the emancipatory potential of technology (Duclos et al., 2017: p. 5). Active deceleration, on the other hand, is an alternative to a life dominated by the oppression of constant and demanding acceleration and its toll on social life and bodies. Hence, slowing down, in the assembly line, becomes a tactic of defiance towards the domination and disciplinary power of capitalist production (Ngai, 2005). Similarly, the collective labour politics of slowness in academia is proposed in the context of a feminist ethics of

care as a contestation to neoliberalisation and its accelerated temporalities (Mountz et al., 2015). In the pattern of other ‘slow movements’ such as the slow food movement (Andrews, 2008), claiming ‘laziness’ in the neoliberal university is part of a conscious critique of colonial epistemologies and Eurocentric notions of time (Shahjahan, 2015), whereas the very myth of the slow or ‘lazy native’ has historically played an instrumental role in the justification and development of colonial capitalism (Alatas, 1977).

It seems that various underprivileged ‘Others’ are not considered as inhabiting Western modernity. Instead, they are situated in a different time–space. By emphasising acceleration as a crucial element in illegalised migration, I invite the reader to explore speed and the shifting temporalities on the border as correlated to precarity as well as emancipation for the border-crossers. But how do the people who inhabit the border experience and deal with these shifting temporalities?

‘You have to wait, my friend’

‘My friend, believe me, here is the best place for you. Outside, it is hell. I’ve been here for three years (sic). Wait and you will go out eventually.’ This was how Dimosthenis, a 35-year-old police officer, responded to the pressing question ‘when will I leave?’ of a border-crosser.⁴ It was July 2015 and the border-crosser would remain detained in the Moria camp of Lesbos until his registration was completed, uncertain of how long that would take. It was early in the morning and the heat was already becoming unbearable. Dimosthenis and the rest of the police officers were sitting on plastic chairs outside the two wings where border-crossers were detained and every now and then they responded to such questions from the shade of an umbrella.

Dimosthenis’ claim that ‘this is the best place for you’ can only sound ironic if one considers that the Moria camp would be named as ‘the worst on the planet’ in a BBC report (citing a humanitarian worker), merely 3 years later. Already in the summer of 2015, the living conditions inside the Moria camp were poor. During most of the day, the heat was unbearable and the air-conditioning in the prefabricated units functioned intermittently. The water service was often cut off and the conditions were unsanitary. There was no bed linen and the border-crossers slept on bare and torn mattresses and broken beds. The Moria camp had exceeded its maximum capacity of 750 people and during most days there were at least 4,000 border-crossers camping in adjacent olive groves, staying in tents with little if any access to water and medical services and suffering from the brutal heat. At the time, police officers were assigned to the task of registration and the overall management of those crossing the border. Alongside other state functionaries (public prosecutor, mayor, prefect, etc.), EU officers and non-state agents (IGOs and NGOs, local collectives, independent Greek and foreign volunteers, locals, etc.), they formed a diverse group of actors who acquired shifting roles.

Located 8 kilometres from the capital of the island of Lesbos, and placed among olive groves and warehouses, the Moria camp was initially designed to host a registration and identification centre (RIC) and a pre-removal detention centre. From 2013 to 2015, the Moria camp operated as a RIC under the authority of the Greek Police and, in late 2015, the Ministry of Migration Policy. Over the next few years, the Moria camp became more and more an assemblage of diverse agents and jurisdictions, a place of confinement and a site of violent and unruly order (Rozakou, 2019).⁵ During the ‘long summer of migration’ of 2015, the Moria camp primarily functioned as a first arrival point. After registration, border-crossers were allowed to leave the island and the country altogether. Therefore, the character of the Moria camp was then quite different from the place of confinement that it used to be before 2015 and which it would become (to an even more extreme degree) in March 2016 after the implementation of the EU–Turkey Statement (European Council, 2016).

As Dimosthenis explained, the hellish place ‘outside’ signified ‘Europe.’ He was warning the border-crossers of the disillusionment that awaited them. ‘Europe’ did not want migrants/refugees. ‘Europe,’ as the end of the journey, was mere hell. There was no reason in hurrying up to leave the Moria camp, the island of Lesbos and Greece. What awaited the border-crossers was a prolonged liminal condition and ultimate social and spatial expulsion.

During 2015, the acceleration of mobility was both spatial and physical but also potentially social, cultural and existential as the border-crossers claimed Europeaness (their becoming Europeans). This existential mobility was contrasted to the existential stuckedness and the failed Europeaness of the crisis-ridden Greek police officers. Situated in the geographic and symbolic frontiers of European modernity and culture, the country had taken up the role of safeguarding the doorstep of Europe at least since the early 2000s (Cabot, 2014) but with disappointing results. As street-level bureaucrats who were primarily engaged with dealing with irregular migration on behalf of ‘Europe,’ the police officers were often accused of failure in guarding the borders of Europe (Rozakou, 2017). The police officers’ feelings of stuckedness recall what Ghassan Hage has described as ‘existential immobility.’ Such existential immobility is related to forms of white racism and the feelings of envy and bitterness towards the mobility exerted by immigrants as well as ethnic and racial minorities (Hage, 2009). In this particular case, moreover, this immobility amidst the accelerated rhythm of the border-crossers’ flows also resonates with dominant conceptualisations of modernity and the failed ‘Europe(aness)’ of Greece.

Dimosthenis was the sub-commander of the Moria camp and he had been working there since the Moria camp started operating as a RIC in September 2013. He used to describe himself as an ‘erotic immigrant’ whenever somebody asked what had brought him to the island. During his studies at the police academy, Dimosthenis fell in love with a woman who originated from Lesbos and when she moved back to the island to open a pharmacy,

he followed her. He was second in command in the Moria camp and like his superior commander he lacked the necessary connections that would bring him to a police station on the island and had therefore ended up in the Moria camp, one of the least desirable work posts for a police officer on the island. Having worked in the Moria camp for 2 years, Dimosthenis was familiar with the detention regime that predominated until 2015 when all border-crossers were detained for several weeks before being transferred to pre-removal detention centres in the mainland. Dimosthenis was accustomed to these dominant politics of waiting on the border.

Nevertheless, it was as early as spring 2015 that Dimosthenis and his colleagues started feeling overwhelmed by the increase in the border-crossers' arrivals. At first, they attempted to carry on the procedures that produce the border: The border-crossers had to be detained, identified, fingerprinted, registered and finally transferred to the mainland. But then the arrivals kept increasing and the police officers were still asked to carry out procedures they considered absurd if not altogether counterfeit (Rozakou, 2017). The pressure was immense as thousands of border-crossers were stranded on Lesbos during most of the summer and autumn of 2015. The island had to be 'decongested,' registrations ought to speed up, and the temporal rhythm that the police officers once had mastered seemed out of their hands. They could no longer impose their punitive control over the border-crossers' time. They could no longer tell them cold-bloodedly that they 'had to wait' or when they did, the expression had little currency to all parts involved – the police officers included.

The border-crossers had turned into a 'flow' – numbers that needed to be processed, papers (expulsion orders) that had to be issued and distributed and 'releases' that needed to be made in order for newly arrived border-crossers to be processed, registered, fingerprinted and then again released in an endless passage. Despite the fact that this fluidity had an emancipatory character for the border-crossers as it signified a shift from immobilisation to velocity, this construction of the border-crossers as a 'flow' had dehumanising effects and reduced empathy. Dimosthenis and his colleagues reluctantly facilitated the mobility of a nameless mass of people on-the-move.

Dimosthenis was aware of the fact that 'eventually everyone will leave' as he explicitly told me. It was the sheer number of people that forced him and his colleagues to work in a totally different manner than earlier; to accelerate rather than decelerate mobility. The imperative was fast processing and velocity in mobility. In fact, both the police officers' ignoring the border-crossers' pressing questions and the catchphrase 'you have to wait my friend' seemed like a last effort to reclaim their sovereignty and their control over time that had been shattered by the historical circumstances of the 'long summer of migration.' The camp as a place of 'decelerated circulation' (Tsianos et al., 2009) and deterrence (Andersson, 2014) had become a place of accelerated mobility. Despite the police officers' attempts to

reclaim temporal control over time, the Moria camp as the materialisation of the border had acquired a new temporality. Yet, the police officers were not the only ones manoeuvring within the shifting rhythms of the border.

Border brokers

One way for border-crossers to speed up the registration process was to find an appropriate broker who would mediate between them and the police officers. Such brokers were NGO or IGO workers, volunteers, journalists, locals, tourists and researchers. They would detect and point out specific cases to the police officers and plead to have them processed in priority. Considering the numbers of people waiting to be registered, this was a process with unlikely results which required the ability to attract attention and evoke sympathy on behalf of the border-crossers. Very often, border-crossers would ask IGO and NGO workers to mediate and to ask the police officers to look up their specific case or to speed up their registration. ‘We merely *highlight* a case to the police officers’ an International Organization of Migration (IOM) employee subtly told me. NGO and IGO workers never challenged the authority of the police officers but simply (as they said) assisted them in this system of personalised bureaucracy. The police officers would usually accept the cases brought in by the IGO and NGO workers (although not without some sarcasm or hazing) and processed them faster.

Control over time was crucial in this context when the boundaries between state and non-state actors often collapsed and sovereign power was reconfigured. The police officers felt less as embodying ‘the state’ than non-state actors who at that time became privileged collaborators of the state both in the eyes of the border-crossers and the police officers.⁶ It was not only the fact that their colourful vests exhumed the authority of a uniform and they were symbols of power. Non-state actors could cross the gates of the Moria camp with relative ease and, many times, they seemed to be working together with the police officers. They took up state functions and border work (cf. Rumford, 2008) such as registration procedures, surveillance and the detection of vulnerable border-crossers (like unaccompanied minors and people with chronic diseases).

However, the police officers still possessed relative power over time, and they exercised it upon all parties. Making people wait is a crucial distinguishing mark of power as Barry Schwartz stresses: ‘especially to be kept waiting an unusually long time, is to be the subject of an assertion that one’s own time (and therefore, one’s social worth) is less valuable than the time and worth of the one who imposes the wait’ (Schwartz, 1975: p. 856). Overt disregard was a very common practice enacted by the police officers not only towards border-crossers but also towards NGO and IGO employees and even other police officers who were lower in rank. Many times, during my research, I came across the police officers’ intentional avoidance of the mere existence of their interlocutor. It seemed to me that this was a

dominant feature both of peer sociality and their interaction with the public. Police officers would commonly practice selective deafness and blindness and ignore the pleas made by diverse people who struggled to catch their attention. In the Moria camp, humanitarian workers would be left to wait, and border-crossers would not even be looked at. This negation of any kind of contact and the sensorial isolation was absurd, yet very common in contexts of domination and control (Auyero, 2012).

Maria, a 30-year-old lawyer, who worked for a humanitarian organisation had to wait for more than half an hour to attract the commander's attention as he moved back and forth from one office to the other while speaking on the phone or sending emails. The lawyer had come to talk to the commander about an elderly man who camped outside the Moria camp with his family. As a border broker, she mediated between the police officers and the man in order to negotiate faster registration. The man was almost 100 years old, she explained to me in awe. The commander pretended not to notice her, and he let her wait for about an hour. In the end, her request was heard: the elderly man's registration was completed in just one day and his seven-member family managed to leave the island in record time.

With the mediation of border brokers, decelerated if not frozen time could acquire an accelerated rhythm. Making wait, nevertheless, remained a technique of power. However, despite the fact that the police officers still seemed to possess some control over time by making people wait through ignoring them, they were ultimately forced into conforming with the velocity of the frenzied time by the very number of the border-crossers. In fact, the border rhythm would so radically shift from deceleration to acceleration that all parts – border-crossers and police officers – were caught in between these conflicting rhythms. This force is quite different from the violent acceleration that deportable migrants face when from the 'sticky or suspended time' of prolonged detention they are subjected to the 'frenzied time' of a sudden unnotified deportation (Griffiths, 2014). But although it may appear as emancipatory and a celebration of human mobility's power over the decelerating migration/border regime, not all border-crossers partook in this novel accelerated temporality of the border. For some, waiting was an enduring condition. Moreover, unless somebody managed to attract the attention of any of these border brokers, they would most likely remain detained for an indefinite period of time.

Laurel and Hardy and the end of the war

Manolis was a 23-year-old police second lieutenant who had graduated from the police academy a few years earlier. He was born and raised in Lesbos and he came from a family of police officers: His father and grandfather were high-ranked police officers on the island, and his brother was a coast guard. Manolis excelled as a pupil at school and he could study at any university department he chose, but he decided to follow the same career path

as the rest of his male family members. He was always calm and polite, an exception to a setting often dominated by exasperated and enraged police officers overwhelmed by the situation. In the small office that was next to one of the wings of the RIC, he was always the one who sat in front of the computer and managed the camp database. The barred window next to his office was a few centimetres above the heads of the detainees who knocked on the window trying to attract his attention and ask about the course of their case. The border-crossers were feeling the urgency to ‘hear their name’; the moment when a police officer would call them through the loudspeaker in order to give them the expulsion order that, at the time, served as the bureaucratic document that enabled mobility across borders on the Balkan route.

On that morning in early September 2015, Manolis took up the task of helping a group of men from Pakistan whom he met when he entered the Moria camp. These were some of the ‘forgotten’ ones, he explained to me. It appeared that the men had arrived at Lesvos several days earlier, but they had not been registered yet. Manolis tried to trace their files in order to admit them to the camp and proceed with registering them. In the dominant taxonomy of deservingness in mobility, the men from Pakistan were situated in one of the lowest places. As they were not considered to have a ‘refugee profile’ (based on their nationality), they were often destined to protracted waiting. They were left out of the registration queue and they did not partake in the same accelerated mobility as other border-crossers from Afghanistan, Iraq, Syria and so on.

Manolis’ vigorous and empathetic responsiveness brought the forgotten Pakistani men back to the rhythm of acceleration of these days. He only managed to turn his attention to them on a day that the Moria camp was unusually quiet and empty and after thousands of border-crossers had been rapidly registered and had left the island. There were endless stories of ‘forgotten’ border-crossers who, after waiting in insecurity, were eventually taken out of obscurity and partook in the accelerated border rhythm of the time.

One morning, in early September 2015, I arrived very early at the Moria camp. The moment I arrived, a woman from Iraq asked me to approach the wired fence. With the help of a Somali man who translated from Arabic to English, Yasmine told me that she had already been detained for several days. Her photo was taken twice, but she was still not released. ‘They still haven’t read my name’ she said desperately. Cases such as hers were a puzzle with pieces scattered in different police departments. For a couple of hours, I wandered around asking police officers about the woman and her two children, but nobody seemed to have had any idea what the problem was. Argyro, an IOM employee who had dropped her official duties to mediate between the border-crossers who camped outside the Moria camp and the police, has already tried to solve the mystery to no avail. Pavlos, a 28-year-old police officer, surprised me when he told me that the woman’s husband

and himself were ‘friends’ on Facebook. The man had been registered at the Moria camp several weeks earlier, and they had been in touch ever since he left through the Balkan route. The man, who was by then in Austria, had been asking about his wife, and Pavlos had managed to find Yasmine in one of the tents outside the camp and brought her inside the registration centre so that she could be promptly registered. But now he could not help her anymore. Nobody seemed to know what the problem was.

At noon, another police officer noticed that Yasmine was crying. He approached and talked to her. He was the police photographer who worked at the Police Directorate, the department where the expulsion orders were issued. The man called the police directorate and talked to the police officer in charge. It took 2 hours and several phone calls before the mystery was solved: the woman’s case was filed together with the case of her underage children, but the children were registered with their fathers’ surname and not hers. Puzzled with this inconsistency, the police officers would not complete the registration for any of them. They would merely go to the next file and let the woman wait indeterminately. After solving this misunderstanding, Yasmine eventually received her documents and she was released the same evening.

The next day I discussed the case with the commander of the Moria camp. While we talked about the different border brokers who had to mediate in Yasmine’s case, I asked what happened to those people who lacked the ability or did not want to attract somebody’s attention. The commander, who often spoke in metaphors or drew upon popular cultural themes, replied to me cryptically that ‘then they will end up like Laurel and Hardy.’ He then carried on telling me the story of the old black-and-white comedy depicting Laurel and Hardy as soldiers during the First World War. They were fighting in the trenches, and although the war was over, they were the only ones who had not noticed it and who just kept hiding in the trenches, eating canned sardines. It was only when all the sardines were finished and a huge mountain of cans had accumulated that Laurel and Hardy finally decided to leave the trenches. They did that simply because the sardines were finished, not because the war was over.

‘This is what will happen with the “forgotten” ones too,’ ‘Once everybody leaves and the centre [Moria camp] shuts down, then they will leave.’ In the commander’s words, the border-crossers who could not motivate the border brokerage system were failing to draw upon valuable resources and in a way – as entrepreneurs working with/in the system – failed to keep up with the pace of the historical moment. The responsibility of manoeuvring within the accelerated rhythm of the border fell on some kind of individual ability of the border-crossers themselves, whereas, in reality, the taxonomies of deservingness which were at play prioritised certain categories more than others. Thus, border-crossers from Syria and Iraq were registered and allowed to leave the island faster than others and men from Pakistan were condemned to extended waiting.

During the ‘long summer of migration’ and the seemingly unhindered mobility through Greece, border-crossers found themselves trapped in a bureaucratic maze that caused delays. In many cases, people would remain detained in the Moria camp for weeks while their co-travellers had already arrived at the port of Piraeus. The port of Piraeus occupied a crucial place in border-crossers’ mobility as it was the first point in the mainland and, therefore, closer to the continuation of their journey to Northern and Western Europe. Families would be separated due to a simple misspelling in their family name, and border-crossers who were suspected of being underage would be delayed until they were assessed as adults and released or they would be placed under the custody of the public prosecutor and, in fact, detained in the Moria camp, until a place in a shelter was found. Hence, it was not only people who did not pertain to the dominant taxonomies of refugee deservingness that did not partake in this universe of high velocity and enhanced mobility but also groups of people that were the par excellence subjects of care and protection, such as unaccompanied minors. In lack of enough shelters, the latter were condemned to protracted waiting and extensive detention.

Hasting and waiting in a reconfiguration of violence

On 31 August 2015 at two in the afternoon the commander and sub-commander of the Moria camp were still there although their shift had ended. The two men were frantically trying to put out a fire in the nearby olive grove with two fire extinguishers. A few border-crossers who camped there were cooking a meal, and the extreme heat had turned the ground into an inflammable material. While a police officer was calling the fire department, the police guard on the front gate of the Moria camp started calling out for an ambulance. People started running in both directions unable to evaluate the priorities. On the front gate, a woman was lying on the ground and two members of the Doctors of the World crew were leaning their entire body weight on her to perform cardiopulmonary resuscitation (CAR). Next to the unresponsive woman an IOM employee was in shock. As the young IOM employee explained to me, she had found the 40-year-old woman, her two sons and her elderly mother in one of the tents outside the Moria camp and immediately noticed that she was very ill. The woman had left the hospital only a couple of hours earlier after voluntarily signing her release form despite the doctors’ insistence on keeping her hospitalised. The woman was terrified that her absence from the Moria camp would cause even more delays to her family’s registration and, ultimately, cost them their opportunity to leave the island and Greece. For this woman, hastening became a matter of life and death.

While the IOM employee blamed herself for failing to secure a place for the woman and her family earlier, the police officers felt cynically relieved that the woman did not pass away while detained inside the Moria camp.

The violent temporal reconfigurations of the border – the pressure of waiting and the imperative of hastening – that had caused a person's death had turned into a responsibility that lacked an accountable figure.

If slowing down is a political tactic of defiance towards the accelerated rhythm of late capitalism, hastening or speeding up during 'the long summer of migration' appears, at first glance, as an act of defiance towards the EU migration/border regime. Celebrated as a triumph of mobility, the 'flow' of the border-crossers that travelled across Europe overtly contested the established temporality of the border and even shifted it entirely. The Moria camp, a place of decelerated mobility, turned into a site of accelerated one. And yet, the border-crossers were also at times subjected to waiting for indefinite time. Moreover, not all categories partook in the same accelerated rhythm.

At the same time, acceleration does not necessarily equate with emancipation or resistance. As other ethnographies have pointed out, speed or 'frenzied time' (Griffiths, 2014) can also be part of the mechanisms of the migration/border regime. During the 'long summer of migration,' following the pace of this fast time could be extremely risky and it could put border-crossers in an even more precarious state. The border-crossers had to constantly find their way and work within shifting temporal rhythms on the border. The temporal control over their time lied precisely in the tension between these two extremes. Highly perceptive to the historical circumstances, the border-crossers were chasing time against a migration/border regime that was under reconfiguration but still exerted its violence and brutality.

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Notes

- 1 I use the term border-crossers in order to avoid the polemic around the categorisation of economic migrants versus political refugees, and additionally to stress the specific focus of this chapter on the border and border temporalities.
- 2 This chapter is based on the research I conducted as part of the research project 'The social life of state deportation regimes: A comparative study of the implementation interface' at the University of Amsterdam. The project was funded by the European Research Council (ERC-Starting, grant 336319).
- 3 The term illegalised migration emphasises the politics of exclusion that constitute a person as deportable (De Genova, 2002) in the frame of an oppressive migration regime (Kalir, 2019).
- 4 All names used in this article are pseudonyms in order to protect the anonymity of my interlocutors.

- 5 In late 2015, following European Union (EU) efforts to hinder human mobility, the Moria camp officially turned into an EU ‘hotspot’; a facility that aimed to manage human mobility through the external borders of the EU. The hotspot was programmatically oriented towards the ‘streamlining, (production of) absolute knowledge and control of populations on-the-move’ (Kalir & Rozakou, 2016), the relocation of refugees to other EU countries, and later, under the EU-Turkey Statement of March 2016, the confinement and readmission of asylum seekers to Turkey. Within a few months of the implementation of the hotspot approach, however, the Moria camp was already suffering from overpopulation and despicable living conditions, and deportation rates (or ‘readmission,’ as they are officially named) were low, with approximately 2,000 people being readmitted to Turkey between March 2016 and September 2018.
- 6 See Cabot (2018) for an earlier account on the unexpected and ambivalent collaborations between police officers and lawyers during the asylum process.

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3 ‘They said wait, wait – and I waited’

The power chronographies of waiting for asylum in Marseille, France

Christine M. Jacobsen

Introduction

Turning the corner from the bustling Rue d’Aix in the centre of Marseille, with its many small North-African shops, I cannot but notice a shift in tempo. Every day, hundreds of men, women and children are queuing up in front of the ‘first reception platform’ for asylum seekers (PADA) to register their asylum application, to check for mail from the authorities or for an appointment with one of the case workers.¹ At the back of the building, under the ionic columns of Halle Puget, more people are sitting around, waiting for their appointment in the afternoon or for a friend or relative who are queuing. During the wait, information and goods are exchanged, services bartered and stories shared. The mattresses and stacked luggage reveal that some people also spent the night, turning what was historically the city’s fish market into a makeshift camp, which in French is paradoxically known as a ‘*camp de fortune*.’

Spaces in which migrants wait proliferate, not only in border zones (Andersson, 2014), refugee camps (Agier, 2011) or asylum reception centres (Kobelinsky, 2010) but also within the urban fabric. As detailed in the introduction to this volume (Jacobsen & Karlsen, 2020), the waiting of irregular migrants and asylum seekers has, like that of other poor and marginalised subjects, often been analysed as an effect of power. As Bourdieu (2000: p. 228) contends in a much-quoted passage ‘Making people wait [...] is an integral part of the exercise of power.’ In his ethnography of irregular migrants in Paris, Le Courant (2014) draws on among others Bourdieu to argue that through the Préfecture, who decide on whether to regularise or to deport, migrants experience being made to wait as a particular form of power. Similarly, Kobelinsky (2010: p. 63), in her study of inhabitants of French asylum reception centres (CADA), writes that ‘waiting is certainly a way of experiencing power.’²

Extending this line of inquiry, this chapter draws on Sharma’s (2014a) notion of ‘power chronography’ to examine how the waiting time of irregular migrants and asylum seekers in Marseille is produced, managed and lived

at the intersection of a range of social institutions and differences. Power chronography draws attention to time as a form of power structured in specific political and economic contexts, a site of material struggle and social difference (Sharma, 2014a: p. 15; 2014b: p. 6). Against those speed-theorists arguing that globalisation entails a homogenous flattening of space–time, or a simple opposition between ‘fast’ and ‘slow’ classes, Sharma extends Massey’s (1991) seminal theory of ‘power geometry’ to explain variegated and intersecting social temporalities and their power effects on differently situated subjects. Rather than taking ‘acceleration’ as a given of contemporary societies, the notion of ‘power chronographies’ points to an uneven multiplicity of temporalities that are complicated by labour arrangements, cultural practices, technological environments and social spaces. This approach is useful also to unpack temporality in irregular migration, in which accelerated temporalities of migration control produce and distribute experiences of waiting in specific ways.

A complex composition of laws, built environments, services and technologies – what Sharma calls ‘temporal architectures’ – structures the time of irregular migrants and asylum seekers. In this chapter I am particularly interested in how migrants ‘recalibrate’ (Sharma, 2014a: p. 28) or synchronise their body clocks, their sense of future or the present, to the tempo, duration and directionality of such ‘temporal architectures.’ ‘Recalibration’ is about the micropolitics of temporal coordination and social control between multiple temporalities (Sharma, 2014a: p. 7). Expectations to recalibrate time permeate the social fabric differently for distinctive populations (Sharma, 2014a: p. 18). While the request to recalibrate by ‘waiting’ is ubiquitous for irregular migrants and asylum seekers, such waiting is configured in a broader regime of accelerated migration control. Recalibration stitches together what Barber and Lem (2018) have termed the ‘discrepant temporalities of migration’ – the ruptures between how migration is imagined collectively and individually, and how it is managed by states. Prying open such ruptures around reproduction, health and labour, this chapter explores the experience of waiting in asylum as produced within multiple, relational temporalities and power relationships.

The chapter is based on several periods of fieldwork conducted between 2012 and 2018 in Marseille. During this period, migration to France was marked by movements onset by the Arab Spring and protracted conflicts in Africa and the Middle East, particularly the war in Syria. I zoom in on migrants who had sought, were in the process of seeking or intended to seek, regularisation under the asylum law, and who had a precarious legal status. I conducted interviews with migrants and activists, representatives of non-governmental organisations (NGOs) and public officials working with migrants. Participant observation was crucial to gaining a thicker understanding of how waiting is produced and experienced. Being-with migrants in time–spaces of waiting and accompanying them in their struggles to regularise their legal status or simply ‘get by,’ importantly attuned me

to the material and affective conditions of waiting. Thus, I base the following analysis on research processes grounded in reflexive contextualisation, co-presence and cooperation with the people whose lived experiences I examine.

Waiting and dilated time

In one sense, persons who demand asylum per definition find themselves in a waiting situation, waiting for the response from the authorities regarding their right to stay and participate in society (Kobelinsky, 2014). Having submitted an asylum application gives a temporary recognition of the person's right to wait on state territory and gives some protection against deportation. As Kobelinsky argues (2009: p. 228), waiting can also be considered the 'activity' *par excellence* of asylum seekers and asylum reception centres as time-spaces of waiting. Kobelinsky (2014) describes the everyday life of asylum seekers in asylum reception centres (CADA) in France as characterised by spatial retraction and temporal dilation. Even if CADAs are not closed institutions, they are characterised by certain measures of spatial confinement, such as the duty to report absence and demand authorisation to be absent for several days. When it comes to experiences of temporal dilation, Kobelinsky suggests they be read as a series of sequences, involving first, the halt created by the beginning of the waiting period and the arrival in the centre; second, the boredom which ensues and the need to fill up the time; and third, ways of avoiding waiting.

Importantly, Kobelinsky (2014) stresses that waiting time is not homogeneous or continuous. First, the rhythm depends on the asylum procedure and its production of occasional moments of urgency (for instance when a rejection arrives, and the asylum seeker has a limited number of days to file an appeal), and new beginnings (for instance waiting for the answer to the appeal). Second, the duration of the sequences varies depending on the individual cases, but the first one tends to be shorter (the beginning), while the others (boredom and ways to avoid waiting) extend in time. Third, the succession of sequences is not necessarily linear or uni-directional; there can be a back-and-forth in the experience of waiting, between periods of boredom and moments of activity. The features of heterogeneity and non-linearity that Kobelinsky mention are even more pronounced if we expand the scope to the majority of asylum seekers in Marseille currently, who are not offered accommodation in CADAs, and who are outside of the so-called normal asylum procedure.³ And even more so, if we take into account the broader context of waiting in migration, which may include waiting to leave, waiting to pass borders and to obtain legal stay in subsequent countries.

One example that troubles a sequential and linear reading of waiting is the experience of Lamin and Amina – a Nigerian couple I encountered regularly outside the 'first reception platform' for asylum seekers (PADA) during my fieldwork.⁴ They would either have spent the night, or, if they had been

lucky enough to get a few days accommodation in a cheap hotel, come in the morning to check for mail and pass time with other Nigerians, most of them from the Edo state. Lamin and Amina had arrived in Marseille from Italy a couple of months before we met and, when registering as asylum seekers, had been put under the so-called Dublin procedure.⁵ One day Lamin agreed to tell me more about their experiences as migrants with a precarious legal status:

I came to Italy without documents. It was not good for me. I spent one year, two years, three years, four years, five years, six years, seven years, without documents. All the time I waited. All the time they gave me temporary residency. They gave me six months, six months finished, renew, then no documents. For a long time, it was six months, six months, and then nothing. They said wait, wait – and I waited. Many years I waited and waited. I waited one year, two years, three years, four years, five years, six years, seven years, nothing. My wife [Amina] and I suffered too much, because I had no work and we had nowhere to live, and no money to buy baby things. So, we decided to come to Marseille so we could get a better future. Because in Italy we have no future. I think that we will have a better future here.

Lamin's incantation of the time they spent in Italy painstakingly foregrounds his experience of waiting. But rather than a series of sequences with a defined starting point and a predictable end, Lamin experienced waiting as a loop of temporary ends and beginnings. From the repetition of the term 'waiting' and the repetitive counting of years, transpires a feeling of 'stuckedness' related to temporariness, uncertainty and a continually postponed 'better future.' Rather than being stuck at a particular point in a linear waiting time, though, Lamin seems to experience this stuckedness as circular. After years of waiting in Italy for regularisation of their legal situation and, related to that, a less precarious socio-economic situation, moving to Marseille resuscitated the hope for a 'better future,' which had propelled Lamin and Amina to leave Nigeria for Europe in the first place. This time, however, pregnancy introduced a new sense of urgency to their waiting. As they had been waiting in Italy, lived time had not come to a stand-still. Rather, they had passed some of the main cultural markers of adulthood by getting married and making a baby. Consequently, a 'better future' could no longer be indefinitely postponed, the baby they were expecting would soon enough need diapers and a roof over the head.

Waiting and accelerated time

Reducing the 'waiting time' of irregular migrants and asylum seekers has been a target of recent migration policies in France. The temporality of migration control is characterised by efforts to 'speed up' the asylum process

towards regularisation or deportation, and by a multiplication of temporal borders (cf. Tazzioli, 2018). As in other European countries, acceleration is hailed to enhance migration control, and make the asylum system more ‘efficient’ (Cwerner, 2004; Sontowski, 2018; Eule et al., 2019). The ambition to ‘speed up’ has restructured the temporal architecture of the asylum system, with consequences for the tempo, duration and directionality of migrants’ waiting. With the record number of asylum seekers in 1989 and 1990, the French spearheaded the acceleration in the examination of asylum claims in Europe, with what some critics named ‘TGV procedures,’ which soon resulted in refusals without thorough examination of individual cases, and an increase in cases tried before the appeal court (Kobelinsky, 2010; Dembour & Martin, 2011; Akoka & Spire, 2013).⁶ Since the 1990s, the aim to accelerate procedures has been reiterated, notably in the asylum law reform of 2015 and the revised law for ‘controlled immigration, an effective right to asylum, and successful integration’⁷ of 2018. This latter law further strengthened the focus on ‘speed’ as a technique for controlling and governing migration, proposing to accelerate both procedures for treating asylum applications and its exclusionary counterpart in the form of procedures for deporting irregular migrants. As we will see later, the deadlines set by the law specifies new temporal borders that are crucial to the production of migrants as ‘irregular’ and produce new gaps and time–spaces of waiting. With the 2018 law, the time to apply for asylum was cut from 120 to 90 days, and the time to appeal the decision, from 30 to 15 days. On the reverse side, what De Genova and Peutz (2010) refer to as a ‘detention and deportation regime’ was expanded. The maximum length of stay in detention centres was doubled (from 45 to 90 days and in certain cases 135 days) and the time of detention by the police was extended (from 16 hours to 24 hours). In addition, the use of imprisonment for illegal entry or for using fake papers, as well as the possibility for issuing a ‘banishment’ from French territory, were extended.

The reform of the asylum law in 2015 established a new system for registering asylum applications in France, which was intended to accelerate the process and reduce waiting times to register asylum applications with the authorities. From then on, all asylum seekers were required to pre-register with ‘first reception platforms’ (PADA), who distribute appointments to the so-called single desk at the Préfecture, where claims are registered.⁸ One chilly November morning, as the queue outside PADA was thickening with men, women and children, I joined Bob, a Malian in his thirties who had worked his way through Libya and Italy and arrived a few months ago in Marseille. Bob had already been queuing since 5 am and had managed to put his name up among the first 15 on the list taped on the door, which meant that his odds for being received that day were good. We passed the time smoking, listening to old reggae hits, looking at some photos Bob’s wife had sent of their children and preparing for the registration of Bob’s asylum application – carefully noting down the full names and birthdays of

his children, as well as the major dates of his journey to France. Approaching midday, it was finally our turn. A case worker helped Bob fill out the pre-registration form and, by entering the information into the software SI-ASILE managed by the Préfecture and the French Office for Immigration and Integration, gave him an appointment at the Préfecture's single desk. I noticed that the appointment was in 60 days.

As noted by Eule et al. (2019), the pressure for acceleration rarely matches the everyday of migration control. While an appointment to register a demand for asylum should in theory be given within three working days, or ten in periods of exceptional influx, figures collected by Observatoire Asile Marseille (2018) showed the average waiting time in 2017 and 2018 to be 40 days after registration with the first reception platform (PADA).⁹ Interestingly, the Observatoire makes a point of counting not only working days but the full number of calendar days pointing thus to a split between the duration of waiting time from the perspective of those who make people wait and those who are made to wait. Asylum seekers do not take 'time off' from waiting during weekends and holidays in the same way employees who process their applications do. The fixing of appointments to the single desk is automated and computerised, the effect of which is both to put the waiting time of asylum seekers beyond the control of employees at the PADA and to produce a certain randomness in the distribution of waiting time. The Observatoire registered such randomness in waiting periods in their report, noting that individual appointments were given in '52 days, 28 days, 51 days, 25 days and then suddenly, 2 days, then again 54 days, 34 days, and 23 days.'

The PADA represents the waiting time before people are properly enrolled in the asylum system, as well as the link between different parts of the asylum procedure. While official statistics show a reduction of average waiting times for the applicants at OPFRA from 7.4 months (or 226 days) in January 2015 to approximately 3 months (114 days) in 2017, these statistics do not count the days of waiting to register the asylum application.¹⁰ The 'gap' between the 3-day limit set by the law and the temporalities of the infrastructure that regulate actual access, produces an interstitial time-space during which protection from deportation is weak and access to welfare and healthcare extremely limited. During my meeting at the first reception platform with Bob, the social worker admonished Bob to hold on tightly to the piece of paper attesting his future appointment at the Préfecture: 'Do not lose the paper, it's important, it is your identity paper now.' For the two next months, this piece of paper would offer some protection against deportation, but it did not come with any offer of housing or economic support. Instead, the social worker presented Bob with some food stamps for a *resto du coeur*, since, as she said, addressing me rather than Bob, 'he looks a bit worn.'¹¹ My presence may very probably have influenced this decision, as single male asylum seekers were usually left to fend for themselves in the waiting time.¹²

Lamin and Amina were also experiencing this gap, and like many, struggled to find accommodation. They carried a letter from the French Office for Immigration and Integration stating that they were registered as asylum seekers and that in waiting for housing in an asylum reception centre (CADA) they must refer to the first reception platform (PADA). At the PADA they were told that there were no free places, so all they could offer was a few nights stay at a hotel. An employee at the PADA aptly captured the circular rhythm, reminiscent of Lamin's experience of waiting for papers in Italy, produced by this gap in access to rights:

Unfortunately both asylum reception centres and emergency shelters are full. The 115 [the emergency housing centre] proposes ten hotel nights to families and when the stay expires, they send them to us for a reassessment of the need to accommodation.¹³ Often, this creates around a weeks' gap where the family sleeps on the street because we are unable to find a place in a hotel.

The gap produced by the mismatch between a chronopolitics of speed and the slowness of the practical and material processing of asylum demands reorders the duration of the sequences of waiting in asylum identified by Kobelinsky (2014). Rather than a 'halt created by the beginning of the waiting period,' the beginning of the waiting period was itself dilated in time, in a largely rightless time-space of waiting before one can even start the wait as a recognised asylum seeker with some protection against deportation and social rights before the state.

The employees at the first reception platform (PADA) are part of the temporal architecture which makes irregular migrants and asylum seekers 'wait before the state.' Despite being employed by voluntary associations, their function as a 'first reception platform' which mediates access to the Préfecture and the French Office for Immigration and Integration make them crucial to migrants' experience of waiting as a form of power. This does not mean though that only asylum seekers are made to recalibrate to the waiting time and the way it is governed through deceleration and acceleration of various parts of the asylum procedure. Observing the pre-registration and follow-up process from the other side of the queue made me aware of how employees struggled to keep up the pace necessary to process the line of people who queued up in front of the PADA every day.¹⁴ Attending morning meetings was akin to being in the calm before the storm, as everyone knew that there would be no more breaks or slowdowns until lunch. Employees worked long days, under high pressure, worrying about many variables only partly within their control. In September 2018, less than a year after my visit with Bob, employees went on strike, supported by around 20 NGOs, and demanded a reinforcement of staff to absorb waiting lines and provide a more 'dignified reception' of asylum seekers.¹⁵

Waiting and managed time

Within these complex power chronographies of acceleration and deceleration, the reception structure, volunteer associations and migrants themselves develop ways of ‘managing’ and ‘circumventing’ waiting time. Laila, one of my interlocutors who worked at the PADA, distinguished between waiting in the asylum reception centre (CADA) and waiting in the first reception platform (PADA):

In the PADA, given that people have not yet had access to housing, or only to day-by-day housing in a hotel, they do not have any activities. They have absolutely nothing, they do not have the right to work, they do not have the right to go to school, except for French courses that hardly exist. This makes the waiting very difficult to manage. There is thus a problem of equality between asylum seekers, between those who live in a CADA where the waiting time is more manageable than for those in the PADA. I mean, NGOs will perhaps offer a gardening course or some computer training with ten places, and when that is filled up, the only thing left for people to do is to come to the [first reception] platform. Some people come in the morning even if they do not have any questions and know they do not have any mail, because it creates a relationship to us and to the other asylum seekers, and then it keeps them occupied for a while. So, there are many people to whom we spend a lot of time telling them that ‘It’s normal, you must wait, and it’s long...’

Laila interestingly points to how asylum seekers must find ways to ‘manage’ the waiting time, and how the manageability relates to the ‘temporal architectures’ of waiting in various material reception structures. While the asylum reception centre (CADA) offers a certain ‘rhythm’ in the form of regular ‘activities,’ which as Kobelinsky (2009: p. 232) argues also implies a certain spatiotemporal subjection, the waiting time of asylum seekers who are not offered any such activities is seen as ‘empty’ and in need of being filled, given that they are also deprived of the right to work and thus excluded from one of the major temporal rhythms of contemporary society. As Laila makes clear, the employees at the first reception platform (PADA) are enrolled in ‘normalising’ the waiting time, both in instructing asylum seekers to wait and telling them that it is normal, and in being a node for the fragile relationships that asylum seekers establish with the reception structures and each other.

The pressure for acceleration of procedures was met with ambivalence by my interlocutors who worked in the reception structures. On the one hand, they saw prolonged waiting as creating a lot of anxiety, and as associated with deterioration of physical and mental health. On the other hand, they feared that the consequence of acceleration would be a further precarisation of migrants and entail an erosion of their rights. With the shortening of the

time limit for registering an asylum application, applicants would have less time to gather information, learn about the system and prepare their dossier. Accelerating the asylum procedure would also, some worried, make asylum seekers less prepared to start a ‘new life’ should they be granted asylum. In this perspective, waiting time was not only seen as ‘empty time’ to be filled but also as a time of preparation to learn to know the asylum system, to learn French, to get an education and to get to know the city and the society. While this understanding of the management of time privileges an understanding of ‘integration’ as the prospective future of asylum seekers, the current French policies of acceleration are geared primarily towards more effectively excluding those who are deemed by the state to be ‘irregular migrants’ and to limit access to refugee protection.

Lamin and Amina were among those who came every morning to the platform and stayed until midday. Recalibrating thus to the imposed waiting time of the asylum process, the space outside the first reception platform (PADA) was nevertheless also crucial to ‘the circumvention of the imposed temporality’ (Kobelinsky, 2014) through the creation of what Almer (2016) calls ‘*espaces de bavardage*’ (gossip spaces). As Almer (2016: p. 14) writes, undocumented people are required to learn both to live with the tempo of administrative functioning and learn

how to use this time they spend in the ‘waiting for...’ to their advantage, namely inventing routines and benchmarks, invest and create spaces conducive to meetings that allow them to install themselves as good as they can in the temporality of the ‘waiting for...’ and to lead a life despite the uncertainty of its duration.

The space outside the PADA was crucial for Lamin and Amina not only to escape boredom and fill up the time, but more importantly, to acquire information about where and how to fulfil basic needs such as finding food and a place to spend the night. Also, encountering other young parents, they got information on possibilities for medical follow up during pregnancy, and on how to access the rights reserved for populations deemed vulnerable, including families with young children. This ‘*espace de bavardage*’ was also challenging to navigate though, as people’s efforts to install themselves ‘as good as they can’ would sometimes involve illegal commerce or attempts to manipulate others to their own advantage.

Waiting and dispossessed time

The question of *using* the time spent in ‘waiting for’ is even more complex if we do not see waiting time only as a dilated and empty time to be filled, but as intersecting with temporalities related to reproduction, health and labour in complex power chronographies. Here, we may pry open the ‘discrepant temporalities of migration’ – the ruptures between how migration

is imagined collectively and individually and how it is managed by states and institutions involved in the reception of asylum seekers (Barber & Lem, 2018). Bob's case is illustrative. For several years, Bob had been suffering from severe stomach pain, which 'ate him from the inside' and prevented him from working. Seeking healthcare upon arriving in Marseille, Bob was advised to register as an asylum seeker before the hospital could administer further medical examinations.¹⁶ Recounting his conversation with the doctor, Bob explained:

I said; but my problem is not primarily that [of needing protection as an asylum seeker]. Me, my problem, it is my health. At least, that is what I want first. But they told me, no, you must go and demand asylum first. So now, I will go and ask for asylum. But I am tired, and I want to go to the hospital first.

For Bob, finding out what was 'eating him' was a primary concern, not least because of the pain and fatigue he was experiencing. Despite the experienced acuteness of his health condition, of being prevented from normal social interaction, of getting thinner and less muscular every day, and not being strong enough to work, Bob had to 'recalibrate' to the temporalities of French migration management.

Bob's immediate concern to get medical treatment was not only related to his individual health but also to how his migration was collectively imagined, and its temporality relationally constituted. In Mali, Bob's wife and children were waiting for his remittances to arrive so they would be able to pay for subsistence, schooling and the house they were building. Haunted by the urgency of supporting his family back home, Bob waited every day at the roadside outside the primary site of informal labour in Marseille together with other migrants to be picked up for a day or more of work. It was vital to post in the early morning when entrepreneurs and private persons drove by to engage workers, and the risk of being detained and deported increased when the police started patrolling, usually by the late morning. Like the first reception platform, the informal labour platform was an important '*espace de bavardage*,' where migrants would build relationships and exchange information and services. The rhythm of informal work, however, was forcefully interrupted when Bob, prompted by his medical condition, recalibrated to the asylum procedure. As we were waiting at the first reception platform (PADA), an employer Bob worked for rang to offer him a job in construction work for the next few weeks. Hanging up, Bob explained to me that between queuing at the PADA, the *rendezvous* at the Préfecture, the appointments at the hospital, the waiting line at the emergency clinic and the regulations of entry at the emergency housing unit where he slept, he would not be left with any time to actually do the job.

Rather than just filling up the dilated and empty time of waiting, the temporal architecture of the asylum procedure governed Bob's time in a very

particular way. This may be analysed in light of Andersson's (2014) suggestion that irregular migrants are not simply 'put on hold' or slowed down. Rather, their time is devalued and usurped in endless bureaucratic procedures. A case in point is the use of short temporary permits, which requires people to redo queues at public offices at short intervals. As *Le Courant* (2014: p. 63) puts it, 'the undocumented are not only those who do not have the right to be present, they are also those who are dispossessed of the mastery of time.' While this situation of 'recalibration' is certainly an expression of the devaluation of the time of undocumented migrants, and can be read, as *Le Courant* does, as a form of dispossession, one should note that, 'recalibration' to economic and political dominant temporal structures is far from unique to those with a precarious legal status. Rather, we could see it as an uneven investment in time along a range of social differences, such as race, class, gender, labour and immigration status (Sharma, 2014a).

Waiting and being out of time

Unlike Bob, who was waiting to register his asylum claim, Bashir, a young man from Sudan who had just turned 23, was waiting to be sent back to Italy. In 2017, Bashir who at the time had recently entered France via Italy and was living in a '*camp de fortune*' in Paris, accepted an offer from French authorities: 'They said that they would give us housing and process our applications,' Bashir recounts. Together with a group of asylum seekers, he was sent to Marseille where he was moved between several reception structures only to end up in a so-called Hosting Program for Asylum Seekers (PRAHDA, *Programme d'accueil et d'hébergement des demandeurs d'asile*). The dismantlement of the informal camps in Calais and Grande Synthe, as well as certain parts of Paris in 2017, led the French government to create 241 CAOs (*Centre d'accommodation and d'orientation*) to accommodate those displaced. Soon after, the PRADHA was established to channel more effectively and speedily those who are 'Dublined'¹⁷ or on a 'a fast track' towards deportation. In the PRAHDA, asylum seekers are not accompanied by social workers. Instead, they are expected to report themselves regularly to the police station, lest they will be considered *en fuite* (absconding).¹⁸

Coinciding with efforts to accelerate the treatment of asylum applications and to speed up the return of those who fail, the creation of differentiated tracks has given rise to a proliferation of structures that organise the reception of asylum seekers, and configure the tempos, duration and directionality of waiting in particular ways. Compared to the CADA, the PRAHDA is characterised by the absence of investments into the lives of their inhabitants. There are no technologies of care or temporal infrastructures to keep them 'in time' (Sharma, 2014a). The absence of temporal investments leaves irregular migrants 'out of sync' with the temporal order(s) of French society, recalibrated instead to the temporal architecture of the asylum system and the Dublin agreement, and punctuated by the duty to report to the

police, a recurring intensification of uncertainty and awareness of one's own deportability.

Bashir experienced waiting time in PRAHDA as dilated, empty and repetitive.

There are no projects. There is no program for the day. You wake up, you eat, you sleep, you eat. You discuss with your friend, you pass time, you pass the evening, and the day passes like that. It's always the same routine. But little by little, you become disgusted by life...because you stay there, and you do nothing. We are bored. We are broken.

Time is empty, a repetitive eternal present, characterised by boredom and passivity, as in the second sequence of waiting for asylum described by Kobelinsky (2014). The object, duration and rhythm of waiting is nevertheless distinct for those who have been 'Dublined' and who are waiting for a hypothetical answer from the country responsible for their asylum application and for a possible expulsion to this country. This waiting time produces a 'gap' similar to the one discussed earlier in relation to the registration of the asylum application with the authorities, in which asylum seekers wait in extreme administrative and social precarity. The feeling of temporal dilation and spatial retraction was accentuated by the isolated location of the PRAHDA, which made it virtually impossible to participate in the '*espaces de bavardage*' that were crucial to migrants' management of waiting time.

Existing within an uneven multiplicity of temporalities and lived at the intersection of a range of social institutions and differences, temporal architectures do not produce homogeneous experiences of waiting time. Living further down the corridor from Bashir, was Tomas, an Ethiopian doctor who grew up in a cosmopolitical environment in the Arab Gulf. Due to restrictions in migration policies, he was deported to Ethiopia where he had never lived. He immediately re-migrated – first to Sweden and then onwards to France. In contrast to Bashir's naked room, and the dirt and degradation of the common areas, Tomas' room was decorated with a colourful carpet and a packed bookshelf. His economic, social and cultural resources had allowed him to install himself in the 'waiting for' in a manner quite different from Bashir and most other inhabitants at the PRAHDA. He passed his days learning French and reading literature, sometimes spending hours at the library in the city centre. At the time we met, Tomas had just received a letter saying that Sweden had answered French authorities' request to deport him back to Sweden under the Dublin convention positively. He had been given 48 hours to appeal the decision, a deadline it had been impossible to meet. Now, he was awaiting the day of his expulsion.

While some people, like Tomas, manage to 'install themselves' in the 'waiting for' in a way that makes time seem meaningful, and not only something to be passed or endured, waiting as a 'Dubliner' or in other 'fast tracks' is characterised by sudden ruptures in the form of events of

expulsion – a constant source of strong uncertainty and nervousness to most. Bashir told me:

You wait for the day of your expulsion. How much time before your expulsion? It could be tomorrow. Tomorrow they could send you to Italy. Of the four people I arrived with, two were already scheduled, and they expelled them to Italy. Three others who, given they did not want to go, ran away. So now, they are wanted by the border police. In the middle of winter, they ran away. Whether they find somewhere to sleep is up to them.

In this grim light, Bashir was incessantly contemplating his own options: to stay in the PRAHDA and wait for his sudden expulsion to arrive or to ‘escape’ and try to stay off the grid until his status as a ‘Dubliner’ was finally ‘broken,’ as he put it. Managing to live undetected by the authorities for 18 months would give him the possibility to file a new asylum application in France. This is due to the deadlines set by the Dublin procedure, which specifies a time limit for the authorities to contact the other country’s authorities and a time limit to answer, as well as a time limit to ‘transfer’ – which in the case of ‘escape’ is set to 18 months. The question of ‘timing’ of staying or moving ‘at the right time’ was thus crucial to the considerations of those anxiously awaiting deportation.

While ‘escaping and hiding’ can be seen as a way to circumvent state management of waiting time, efforts to circumvent waiting can also imply political mobilisation. Bashir did not only ‘recalibrate’ to the tempo imposed by the administrative procedures of the asylum apparatus. Despite his experience of temporal dilation, emptiness and boredom, he managed to transform the waiting time into building up a social network, mobilising together with local activists to protest the conditions of living at the PRAHDA. At a series of public meetings, they denounced the politics of abandonment represented by these structures and called for migrants to hold French authorities accountable to their professed ideals of universal human rights. In an appeal co-written by migrants and local activists, they demanded the annulment of their Dublin procedures, a stop in deportations, the acceptance of their right to demand asylum in France, the demolition of the PRAHDA and access to education and vocational training. Solidarity and political mobilisation are difficult to build in haste, though. In the midst of his effort to change not only his own but also other migrants’ waiting situation, the accelerated temporality of migration control suddenly caught up with Bashir. He was arrested during one of his weekly reports to the police station. The next morning, before his friends and activist network had time to mobilise, he was put on a flight to Italy, where yet another cycle of waiting for an uncertain future was about to begin.

Conclusion

Efforts to ‘speed up’ the treatment of asylum applications as well as the deportation of those who failed to obtain protection and are cast as ‘irregular migrants’ have restructured the temporal architecture of French migration control, with consequences for the tempo, duration and directionality of migrants’ waiting. Given the extensive critique of protracted waiting situations voiced by migrants and migrant-rights activists, one would perhaps expect ‘speeding up’ to bring migrants ‘in sync’ with the speed of contemporary society, reducing the stress associated with protracted waiting. In this chapter, I have tried to nuance this understanding of waiting by analysing ethnography from fieldwork with migrants with a precarious legal status in light of Sharma’s concept of ‘power chronographies.’ The accelerated temporality of migration control produces gaps and time–spaces of waiting (e.g. for pre-registering an asylum application, for being transferred to a responsible Schengen country, and for accessing health-care) during which protection from deportation is weak and access to welfare and healthcare extremely limited. The analysis has demonstrated how migrants with a precarious legal status ‘recalibrate’ to a composition of laws, built environments, services and technologies, synchronising their bodies and life projects to the tempo, duration and directionality of complex ‘temporal architectures.’ The time of migrants with a precarious legal status is not only devalued and devoid of investment but also usurped by the administrative temporality. ‘Gaps’ produced by the efforts to accelerate both the consideration of demands for asylum and the deportation of those who fail to obtain protection contribute to their precarisation. The analysis of power chronographies has also served to pry open the ruptures between how migration is imagined collectively and individually, and how it is managed by states. Temporalities related to reproduction, health and labour intersect with, and are recalibrated to, the temporalities of the state and its management of migration, while also opening up towards temporalities that escape the experience of waiting as a form of power.

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Notes

- 1 *Plate-forme d'accueil pour demandeurs d'asile* (PADA) in Marseille, recently renamed Structure de premier accueil des demandeurs d'asile (SPADA), run by the NGO *Forum réfugiés-Cosi* on renewable annual contract, is responsible for pre-registering asylum seekers, administering appointments to the *Guichet Unique*, and for ‘accompanying’ asylum seekers in the asylum process.

- 2 *Centres d'accueil de demandeurs d'asile* (CADA) was established in France in 1991 after a regulation made it illegal for asylum seekers to work.
- 3 According to figures cited by *Observatoire Asile Marseille* (2018) of the 3,974 persons registered as asylum seekers in Marseille in 2017, 980 were put in accelerated procedure and 1,786 in the Dublin procedure. The term 'accelerated procedure' is somewhat of a strange misnomer, and unlike the privilege usually associated with fast tracking, it is reserved for asylum seekers who are considered a priori less legitimate and likely to succeed in obtaining protection. The Préfecture decides which 'track' a particular application follows.
- 4 I have altered all the names in this chapter in order to preserve the anonymity of my interlocutors.
- 5 The Dublin agreement makes the Schengen member state where one first demands asylum (or that issued a first visa or a residence permit or through which a person entered the EU and had their identity checked) responsible for examining the demand. If the Préfecture determines that another country is responsible, the asylum seeker can be 'transferred' back within a delay of 6 months.
- 6 TGV, *train à grande vitesse*, means high-speed train. In 1990, the TGV set a new world record in speed on rails, and as such it served as the ultimate symbol of speed in France at the time.
- 7 LOI n° 2018-778 du 10 Septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie.
- 8 *Guichet Unique Demendeurs d'Asile*, (GUDA).
- 9 The Administrative Tribunal of Paris has deemed failure to register claims within the given time frame, and the legal 'gap' that results as violations of the right to asylum. The tribunal has repeatedly ordered the Préfecture to complete registration concerned applications within a strict timeframe. See: <http://www.asylumineurope.org/news/25-05-2017/france-authorities-under-court-order-register-asylum-applications>. Published online 25 April 2016 (accessed 17 March 2020).
- 10 <https://www.ofpra.gouv.fr/fr/l-ofpra/actualites/les-donnees-de-l-asile-2017-a-l>. (accessed 17 March 2020).
- 11 The French *restos du coeur* are part of a broader landscape of charitable and humanitarian associations, offering food to migrants and others in a precarious situation (see Jacobsen, forthcoming).
- 12 At the time, asylum seekers received a subvention – the ADA (*allocation pour demandeur d'asile*). Yet, my interlocutors experienced numerous difficulties in accessing it. As noted by the *Observatoire Asile Marseille* (2018), asylum seekers must wait up to 45 days after registering as asylum seekers before the ADA becomes effective. In the meantime, they rely on assistance from various NGOs and friends and networks. Housing of asylum seekers is perhaps the biggest challenge in Marseille. In theory, once one is registered as an asylum seeker, one may have access to an asylum reception centre. In practice, however, waiting times remain long, and in the meantime, people move between emergency housing (115), squats, sleeping rough and staying with friends.
- 13 The social outreach service (SAMU social), which distributes access to emergency housing in Marseille, is usually just referred to by its phone number, 'the 115.' In addition to emergency housing centres, they dispose of some places in hotels. The capacity is critically low compared with actual demand.
- 14 In an interview I conducted with the head of the PADA in September 2017, she estimated that they received around 230 persons without appointments every day, of which around 30 were there to register for the first time.
- 15 <https://www.europel.fr/societe/greve-a-la-plateforme-daccueil-des-demandeurs-dasile-de-marseille-les-associations-inquietes-3765284> *Europel France* with Agence France Presse (AFP). Published online 27 November 2018 (accessed 17 March 2020).

- 16 The healthcare system for irregular migrants in France is generally seen as one of the most inclusive in Europe, but migrants nevertheless experience important obstacles to realising these rights (Laranche, 2012). Despite my efforts to assist, Bob did not manage to obtain proper medical care until after he had registered his asylum demand.
- 17 Asylum seekers placed under the Dublin procedure are commonly referred to, and sometimes also refer to themselves, as either ‘Dubliners’ or ‘Dublined.’
- 18 Asylum seekers placed under the Dublin procedure and subjected to a house arrest order can be placed in detention if they do not present themselves for their appointment at the Préfecture.

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4 Filling the apps

The smartphone, time and the refugee

Thomas Hylland Eriksen

In the burgeoning academic literature on waiting (see e.g. Hage, 2009; Bandak & Janeja, 2018), little attention has been devoted to the significance of new communication technologies; and conversely, although there is a keen interest in temporalities in the literature on the Internet and the smartphone (Hassan & Purser, 2007; Horst & Miller, 2012; Wajcman, 2018), *waiting* is rarely discussed as a smartphone temporality. On the contrary, much of the latter literature is concerned with speed and acceleration rather than the empty, flexible time usually associated with waiting. This chapter aims to bring these topics into dialogue by applying them to research findings on smartphone use among undocumented refugees in the Levant and Mediterranean during the so-called Syrian refugee crisis in 2015–2016.

The tiny multimedia computer, spoken of as a polymedium by Madianou and Miller (2012), was only launched as recently as 2007. It is a slim, sleek rectangular object of metal, plastic and silicone equipped with an eminently swipable and thumbable touchscreen instead of a keyboard, which fits snugly in the inner pocket of a dinner jacket, the front pocket of a pair of jeans or a woman's handbag. While advanced pre-iPhone mobile phones such as Blackberries had already had Internet options, they nonetheless lacked important features associated with smartphones today, such as maps and social media applications. The smartphone compresses, accelerates and miniaturises the user's relationship to the external world, and such is its penetration into the lives of millions that it may well be regarded as a bodily *extension* in McLuhan's ([1994]1964) sense. And as people lamely joke, 'they say you can even make calls with it as well.'

Drawing on my own current research on smartphone use in general and recent fieldwork-based studies carried out by others, I shall raise some questions about the significance of the smartphone for refugees hoping to make a European country their new home. I will particularly emphasise the ways in which this minuscule, rectangular electronic device affects temporality, rhythms and gaps during indeterminate periods of waiting. There is little doubt that the smartphone has transformed everyday life around the world, but it is no less obvious that these changes have taken place in different ways, for reasons of economy, social organisation, network types, political

regimes, scale, cultural values and the situation in which actors find themselves. We should always be wary of simple generalisations, and as pointed out by Vokes and Pype (2018), it cannot simply be assumed that the Internet leads to time–space compression. Rather, time–space *expansion* is also a way of looking at it; when we use the Internet the social space is expanded, and time becomes flexible in new ways. Indeed, when social micro-coordination (Ling & Yttri, 2002; Ling & Lai, 2016) is mediated by smartphones, clock time becomes less important. Delayed responses are built into the social media platforms and text messaging to the extent that the simultaneity and constant calibration of arrangements in the near future (e.g. social encounters) tend to replace fixed temporal categories with more flexible ones. ‘11:15 a.m.’ for example, becomes ‘in five minutes.’ The coordination of a broad range of social activities can now take place as an ongoing flow of minute exchanges, not as done deals finalised days or weeks ago.

By integrating their lives into the temporalities mediated by mobile telecommunications, refugees planning to flee, on the move or having arrived at a detention centre are no different from everybody else; their lives have changed, and they have become reliant on smartphone apps for manoeuvring the social and cultural fabric of their surroundings. At the same time, their precarious, liminal situation may seem to imply significant differences as compared with settled populations with a legal status, fixed abode and stable daily routines. Strangers in a strange land, severed from filaments of belonging, linguistically impaired and condemned to open-ended, debilitating and humiliating periods of waiting, these people – whether huddled together in the hull of a barely seaworthy vessel, in a tent erected by volunteers or an non-governmental organisation (NGO) on a Greek island or on the streets of Hannover – may offer a privileged site for an exploration of the ways in which the smartphone is transforming the social world and its temporal regimes.

Refugees without a legal status are typically described as inhabiting a liminal space, living in a legal limbo, the bearers of an anomalous, interstitial present radically separated from aspired, possible futures. In their case, the question ‘when exactly *is* the future?’ which can rightly be addressed to technological dreamers and apocalyptic pessimists, raises itself with especial urgency. The possible futures imagined by migrants waiting for their legal status are not simply ‘put on hold’; rather, they are actively being sabotaged and usurped through the biopower enacted by bureaucratic sluggishness in institutions of Kafkaesque opacity and Byzantine complexity. This observation is not an original one. Bourdieu (1972) commented on Kabylean temporalities and the ways in which they clashed with the linear, progress-oriented colonial ones, while Schwartz (1974) described how the right to other people’s time, through making them wait, constitutes a significant form of power in a society where time is linear, can be measured and is seen as a scarce resource. In the case of migrants waiting for work, housing, family reunification and/or legal documents, there is nevertheless a gap

between the relentless ageing of the body and the lack of a corresponding development in their lives (see Drangslund, 2020, and Bendixsen & Eriksen, 2018, for a fuller discussion). In their waiting, they oscillate between ‘stalking a prey’ (Corcoran, 1989) and ‘doing nothing in particular’ (Frederiksen, 2018) as an existential condition.

In most cases, refugees – be they from Afghanistan, Mali or Syria – waiting to cross into Europe, waiting for asylum applications to be completed in a refugee camp or waiting for their application for a work and residency permit in a new country to be decided upon, possess smartphones and use them for such diverse purposes as social networking, communicating with family members in the country of origin and simply ‘making plans.’ The refugees’ reliance on the smartphone was graphically and powerfully illustrated in a photo taken at the main railway station in Budapest in the summer of 2015 and reproduced in newspapers worldwide, depicting a long row of men lying on makeshift mattresses on the floor near a wall, trying to rest amid the flickering, bluish light from the screens of smartphones being charged from wall outlets behind them.

As much as it may be mitigated by smartphones enabling instantaneous communication and filling gaps with networking, games and media consumption, a primary mode of existence for migrants in a legal limbo nonetheless remains that of waiting. So, let us consider the existential condition of waiting before proceeding. A pioneering anthropologist of ‘nothing in particular,’ Frederiksen (e.g. 2018) points out that waiting is contextual. It does not exist in and of itself. It is a social fact, not a natural one. Reading Frederiksen, one soon starts to wait (sic) for the first aside about Beckett, and it appears soon enough. Like Estragon and Vladimir, Frederiksen’s Georgian interlocutors do not expect that anything in particular will happen. Rather, they consider waiting as a permanent existential condition. In a complementary reading of Beckett, Cash (2009) identifies a point-zero of waiting where there is no expectation that anything will happen. Citing a contemporary review of *Waiting for Godot*, Cash (2009) discusses the view that Beckett performs the almost superhuman feat of keeping the audience rapt and enthralled during a play where nothing happens, twice (in the first and second acts). However, Cash adds, something *does* happen; a tree sprouts four or five leaves in the interval.

Hage’s (2009: p. 97) much quoted term *stuckedness* refers to ‘an existential immobility.’ He argues that a certain way of being stuck is seen as an asset in the contemporary world, the stuck person being a celebrated figure who ‘is waiting out,’ heroically enduring in the face of adversity, be it climate change or the neoliberal devastation of local communities. Yet in the present context, it is worth remarking that being stuck is exactly what refugees try to avoid, while at the same time, some of their potential collective power lies exactly in their ability to wait for a change in asylum policies, visa regulations or facilities offered to refugees in European countries. Stuckedness here becomes a potential source of collective power because refugees might

say, 'We can wait'; a strong statement to an overworked and stressed bureaucrat living in a protestant temporality wherein time is a scarce resource.

Waiting may quickly turn into a permanent existential condition. Many refugees are young men, and phenomenological time passes faster for young than for older people. This implies that when their life is placed on hold, as in an asylum process, opportunities seem to pass by quickly, like so many handfuls of sand. In a study of waiting in Macedonia, Schubert (2009: p. 108) mentions that if someone is not married by the age of 25, they have lost the race since they have already begun to lose physical appeal. Hage (2018) speaks of Lebanese migrants who initially spend years waiting for their visa application to be approved, but who, following migration to Australia, say that they 'cannot wait' (sic) to return to Lebanon for a visit. The lack of a regular, cumulative rhythm in life is implied by the shifting temporalities of the migratory process, where long periods of stasis are punctuated by quick bursts of movement, inactivity interrupted by the flurry of movement or the sudden appearance of new opportunities for work or residency. As previously shown (Bendixsen & Eriksen, 2018), and as shown by several chapters in this book (e.g. Rozakou, 2020; Jacobsen, 2020), the clash between temporalities can be identified in many of the situations refugees engage in: The regimented clock time of the bureaucracy and the NGO world of support and volunteering; the indeterminate, empty time of passive waiting; the urgent, precious temporal window of sudden opportunities for further mobility, work or residency; the slow, degenerative time of ageing; the fast time of instant messaging, and so on.

Whereas the smartphone does not transform the inert structures of work, housing, residency, bureaucracies and policing, it does offer tools to deal with them. Conceptualising waiting as analogous to 'stalking a prey' (Corcoran, 1989) redefines it as an active pursuit of an elusive goal. The affordances of the smartphone in the hands of undocumented migrants have the potential of shifting the weight of waiting from the emptiness of Vladimir and Estragon to the fullness of the patient hunter who, like the undocumented migrant, has no train to catch or meeting to attend. The smartphone represents an antidote to the empty time of waiting; it enables the migrant to engage more efficiently with social (virtual) networking and personal entertainment, take care of collective and individual memory work, using location apps to procure services, meet friends and connecting with volunteers, among many other things. The smartphone fills temporal gaps which would otherwise have been left empty.

* * *

During the heady summer of 2015 and later, mainly Syrian refugees have routinely been scolded in tabloids and online forums, and not least by European politicians of certain persuasions, for having the nerve to seek refuge in Europe when many of them are demonstrably able to afford expensive

smartphones. However, Syrians fleeing their country did not do so in order to escape poverty; they did it because of war and destruction. A survey indicated that 86% of the Syrian refugee households in Lebanon had mobile phones, with an additional 6% having access to one (Göransson, 2018). We may thus assume that people embarking on the perilous journey, with its many dead ends, dangers, frustrations and privations, also have smartphones. According to Marie Gillespie (2016), even the poorest refugees generally have access to a mobile phone, albeit not a state-of-the-art model.

Although time budgeting is not a main preoccupation in the recent research literature about refugees in the Mediterranean basin, the significance of the smartphone for temporal coordination and shifts in temporal orientation should not be underestimated. In a not too distant past, when a transport of refugees (as this is called by the people known from the media as ‘people smugglers’) did not arrive, the person at the receiving end simply had to wait at the site designated by his network. Now, he can ask the so-called smuggler directly why he is late; he could even scold and pester him in real time. He would later also use the GPS to locate himself accurately, message his uncle in Munich about being on his way, ask his cousin in Düsseldorf if he still has a job for the arriving refugees in the informal sector and receive live updates on the military and police presence in Mediterranean hotspots or on European borders. The existence of these possibilities is empowering to people who cannot rely on formal means of coordination and information, and contribute to the time–space compression described by David Harvey (1989) decades before the Syrian war and the invention of the smartphone.

During and after the so-called Syrian refugee crisis of 2015–2016, several groups of researchers have studied the significance of the smartphone for contemporary refugees (Gillespie et al., 2016; Eide et al., 2017; Göransson, 2018; Leurs & Smets, 2018). Media reports also occasionally shed light on the issues, as in this quotation from *The Economist* may elucidate:

In a camp near the French city of Dunkirk, where mostly Iraqi refugees live until they manage to get on a truck to Britain, many walk for miles to find free Wi-Fi: according to NGOs working there, the French authorities, reluctant to make the camp seem permanent, have stopped them providing internet connections. Some of the residents buy pricey SIM cards brought over from Britain, where buyers need not show an ID, as they must in France. A lucky few get airtime donations from charities such as ‘Phone Credit for Refugees and Displaced People.’

(*The Economist*, 11 February 2017)

It speaks volumes of the importance of smartphones for refugees that the ‘Phone Credit for Refugees’ charity even exists. Its volunteers collect money and top-up phones for undocumented refugees in Paris and elsewhere, prioritising unaccompanied adolescents and other vulnerable groups.

As several researchers and journalists have reported, some refugees state, in no uncertain terms, that a functioning SIM card, Wi-Fi access and power outlets for charging are their first priorities, well above and beyond the need for food and water. This observation brings to mind the following quotation from the *Irish Times*:

Ramiz (20) from Afghanistan is not the oldest member of his group, but his smartphone and online social network make him a typical leader in this great, modern migration, in which technology and the ability to use it play key roles. ‘The last group didn’t make it,’ he mutters, studying and swiping the screen of his phone.

(Irish Times, 2015)

A young woman, freshly arrived on a Lesbos beach and taking a selfie – smiling, flawless teeth, wavy hair, sunglasses – became a poster child for groups and politicians in Europe who wished to delegitimise the refugees. What she was actually doing, however, was not tantamount to an attempt to collect likes on Facebook or hearts on Instagram. Rather, with the selfie she was communicating to her relatives that she had survived the journey and was safely, at least for now, in EU territory. As a matter of fact, she was being criticised for the mere possibility that she behaved like most Europeans of her age would.

The smartphone has improved internal intelligence services among migrants, knowledge of physical location and options for further mobility, as well as continuous contact with those who were left behind or disappeared at an earlier junction. Efficiency is enhanced; social networks are maintained and expanded; awareness of rights and whereabouts is improved. The Europeans who see the smartphone as a luxury item, associating it with leisure and convenience in the smoothly functioning neoliberal information society, misinterpret the ubiquity of smartphones among refugees as signifying that they belong to a leisured class. As I stressed earlier, bona fide refugees do not flee from poverty; they may well have belonged to the global middle class before being forced to leave everything behind. Among Gillespie et al.’s (2016) informants are a well-travelled businessman, an accountant, a shop owner, a technology student, a surgeon’s assistant, an accountant, an administrator with a law degree and an international salesman in the clothing industry. They did not escape economic hardships, but violence and insecurity. They are you and me, and their access to smartphone affordances is urgent and crucial, even if they may sometimes, incidentally like Norway’s prime minister, be caught playing Candy Crush to fill gaps or kill time. Why shouldn’t they, as long as the cushioned and smug majorities do the same thing?

Few of the Syrian refugees interviewed by Göransson and collaborators owned a smartphone when they crossed the border to Lebanon in 2014 or 2015, but they were likely to purchase one soon after arrival, seeing it as

essential for their new lives (Göransson, 2018). As a matter of fact, the exponential growth in global smartphone ownership and use coincides with the currently eight years of war and displacement in Syria. Although, as Gillespie (2016) found, 80% of the refugees in their sample owned a smartphone, the gender disparity was – unsurprisingly – considerable, with 94% ownership among men and 67% among women. There is nevertheless almost universal saturation, since a neighbour is exceedingly likely to have a smartphone if you don't. In order to begin to understand the radical transformation in question, it may be useful to keep in mind that as late as 1960, just 9% of the UK population had a landline, translating into roughly a quarter of British households. The majority of the working class and rural Britons accordingly relied on neighbours or the pub for urgent calls in or out. In other words, notwithstanding the development of a great number of platforms and services for the Internet-enabled touchphone, simple phone coverage is also better in a Syrian refugee settlement in Lebanon than in the United Kingdom of a generation ago.

Having set the stage, we can now move on to a consideration of the implications of the smartphone for temporality in a context of uneven rhythms; from the repetitive and slowly unfolding time of open-ended waiting to the speed and frenzy of sudden movement between locations on the road, from the languid inertia of the port or camp to the exhausting trek across unknown hills or dangerous drama on the high seas. The smartphone frames waiting in particular ways, but it may also function as an antidote to waiting by accelerating communication and social connectivity, thereby filling temporal gaps. My focus is mainly on the social implications of the gadget, not its cultural or cognitive aspects.

Three interrelated affordances enabled by the smartphone are *location*, *networking* and *micro-coordination*. I am using the word affordance deliberately and consistently with its initial coinage by the environmental psychologist James Gibson (1979; see also Ingold, 2000), who sees it as the opportunities and constraints offered by a particular environment, often unacknowledged by the actors but inscribed into their bodily actions and intravenously shaping their perceptions of their environment, albeit in different ways since different persons (or animals, in Gibson's analysis) draw different resources from their surroundings contingent on their perceived needs and intentions. Analogous to engagement with a biotope, the information ecology enabled by the smartphone is understood and acted upon in a variety of ways depending on the actor's circumstances and motivations. It is a miniaturised world and a complex system irreducible to a formula.

Location

Jordan Frith's *Smartphones as Locative Media* (2015), based on the author's PhD dissertation, is one of the few book-length studies of the smartphone as a GPS device. Studying his interlocutors' usage of Google Maps and its

competitors, Foursquare and other locative services, Frith shows that although mutual surveillance among friends, that is, exact knowledge of each other's location in real time is now available (think the Marauder's Map of Hogwarts in the world of Harry Potter), it is less common than the author had initially expected, possibly because of a widespread unwillingness to reveal one's whereabouts owing to concerns about surveillance by little brothers as well as the big ones. Several refugees interviewed in the material drawn upon here report that they were reluctant to keep the location option on continuously, although it was necessary to enable Google Maps, for fear of being intercepted by hostile governments. Following the entrance of refugees into Europe, law enforcers have been known to confiscate phones in order to trace the movements of the people detained. State representatives check content, browsing history, messaging and so on, sometimes even smashing mobile phones with batons in the awareness that these devices can be empowering for their owners (Kjærre, 2019).

The smartphone map and other location-enabled apps (from workout applications to travel sites) place the user at the centre, quite the opposite of the case with the conventional map, where the task of finding one's physical location can be a major challenge. With smartphones, refugees are always aware of their location; you are the centre of the universe, and the task consists in understanding the location of other places. An inbuilt feature of Google Maps is time-geographical, since it tells you how long it will take you to get to any location with different modes of transportation, from foot to bus, ferry, train and Uber. Locative affordances are thus also temporal.

Gillespie (2016) found that over a third of the refugees her team had interviewed in camps (38% of them, to be precise) used Google Maps routinely. Obviously, they knew where they were, but were also exploring the surrounding area, and not least procuring options for escaping into Europe proper. In this way, distance becomes tangible; as it is filtered through virtuality, place is paradoxically becoming more specific and less abstract; while distances, activities and options are easily converted into duration. On Google Maps, everybody can become his or her own time-geographer. Time and space are not, thus, compressed in this particular instance, but turned into workable chronotopes, tangible and specific.

Other stories are more dramatic. A news report from 2015 tells of an Afghan boy who was sitting with others in a container somewhere in England when it gradually became hard to breathe. He sent a text message to a volunteer he had met in Calais, alerting her to their predicament, writing in broken English that they were running out of oxygen. The group of five survived because the volunteer could relay her message to a British colleague, who in turn contacted the police, who were able to locate the car and save the refugees trapped in it (*The Independent*, 2018). Another story concerns a boat on its way from the Turkish coast to Samos. At night, at sea, in January, the engines failed. The waves were high, and the boat was dilapidated.

On Google Maps, some of the passengers were able to locate the nearest island, and made it there by rowing with their hands (Eide et al., 2017: p. 39).

Another group of refugees had ended up in an uninhabited and remote part of an island. Eide et al. (2017: pp. 41–42) tell the story: ‘They were tired and uncertain about the direction. From a mountaintop, they could access Turkish mobile internet, using GPS to find the way to the nearest village, a few hours’ walk away’ (my translation). The same authors also speak of a Syrian refugee who had initially paid traffickers to lead him from Budapest to Germany, but by accessing Google Maps in the bus discovered that they were in fact on their way to the Romanian border.

The accuracy of GPS location, a practical application of Einstein’s general theory of relativity, is a double-edged sword. It helps you to locate yourself and others, but GPS signals can easily be intercepted by outsiders. Indeed, the astonishingly precise, uncannily updated traffic information that can be accessed on Google Maps and other designated location devices, mainly relies on the density of mobile phone signals: The shorter the distance between each mobile phone, the denser the traffic. It provides information not just about space, but about time–space.

Aware of this duality of transparency, some refugees are advised to lose their phones upon arrival, enabling them to compose a story of flight that might give the appropriate form to their asylum application. Yet, divesting yourself of your phone may be more serious, at an existential and practical level, than chucking your passport and other identity papers into a bin. One of Eide et al.’s (2017) informants speak of his smartphone as his cultural memory. It is filled to capacity with photos, music and digitalised memorabilia from his previous life. To him, the phone miniaturises, encapsulates and compresses his biography and thereby frames his current, indeterminate waiting period in a life story which represents a temporality which is longer, slower, cumulative and connected to place in a way that cannot be achieved in the indeterminate liminal phase. Cloud services may be helpful as a means to disembed content from a physical gadget, making it easier for people to keep the content while removing it from the body.

Networking

Summing up the social transformations enabled by the smartphone, Ling and Lai (2016) state:

Perhaps the most fundamental function of the mobile phone is to make us individually available to one another, thus facilitating coordination. Indeed, they afford us constant and ubiquitous connectivity. We can call one another to just chat, or to arrange (or rearrange) our plans. Until the rise of the smartphone and the mobile Internet, this was mostly limited to dyadic interactions. We could call and text to one other person at a time. Thus, we could micro-coordinate (or hyper-coordinate;

Ling & Yttri, 2002) our interactions, but with only one person at a time. With the coming of smartphones and messaging apps, it became possible to expand this horizon. We are able to quickly construct groups of varying sizes to just chat or to coordinate specific tasks.

(Ling & Lai, 2016: p. 834)

The smartphone accelerates networking and enables a new rhythm and intensity in social interaction. With a basis in interviews with refugees in camps, Latonero et al. (2018: p. 3) conclude: 'It is clear that mobile technologies, such as smartphones, messaging apps, translation apps, online maps, and mobile banking all contribute to an unprecedented degree of connectivity for refugees.' Several researchers and commentators point out that the smartphone is indispensable in the camp for enhancing social capital through various forms of networking on platforms such as WhatsApp, Facebook, Messenger, Skype and, in some cases, LinkedIn, as well as mobile payment services enabling transactions between kin and others in the home country. Many use the less widespread networking platform Viber, which has superior encryption features, making detection and interception difficult. In the camp, the smartphone is used both for the maintenance of primary networks, which may be spatially fragmented following the exodus, and for the development of growing secondary networks (weak ties in Granovetter's, (1973), seminal analysis), which may facilitate ventures into the housing, educational and employment markets. Smartphones are also used extensively to communicate with NGOs, often through dedicated apps but also by using common platforms like Messenger, texting or WhatsApp.

The smartphone enables a renegotiation, and often an implosion, of the relationship between space and time. The time-space compression afforded by the mobile phone has often been commented upon. The implications for refugees en route, in camps or in temporary housing in the host country are important in the effort to conjure up, spider-like, some of the silvery filaments of social ties that were abruptly severed at the moment of flight. As a colleague once quipped, with reference to contemporary white-collar work, 'it no longer matters so much whether you're on time, as long as you're online.' Movement, long or short distance, planned or spontaneous, enforced or voluntary, which is often necessary for refugees, is choreographed, managed and monitored in new ways with smartphones. News may only be trusted when they are relayed by friends (a few obviously are trustworthy filterers).

The term social capital needs to be considered in this context, in Coleman's sense rather than Bourdieu's (Bourdieu, 1972; Coleman, 1988), which refers to returns on investments in others. Social capital, in this intellectual tradition, may be defined as the sum of other people's obligations to oneself. The often frantic networking and incessant messaging, liking, swiping and thumbing engaged in by denizens of the smartphone society in general may be triggered by a never fully satisfied yearning for the attention of others. For undocumented migrants, the situation is more urgent and critical since

their very existence is at stake: physically, existentially, socially, culturally. The affordances created by smartphone apps enable not only quotidian networking but also the establishment of weak ties via intermediaries, often directed towards the formal sector. An ex-refugee interviewed by Gillespie and her collaborators (2016) describes his route from being stuck in Tripoli, Libya, to regular employment in a skilled job in Beirut through networks partly exploited, partly established, with his phone, online. Without the availability of instantaneous communication, this job offer would not have been possible.

A range of apps, most of them multilingual, have been designed to aid refugees, offering information about social services, NGOs and volunteer networks, meeting places, language courses, application procedures and local information in general. On the other side of the *Mare Nostrum* (often no more distant than the narrow straits separating the Turkish mainland from the Greek islands gained, or recovered, following the 1913 Balkan Wars), the informal transport companies (people smugglers) advertise their services online, using WhatsApp or Facebook. One of the people involved in this transport service tells Eide et al. (2017) that his work would have been impossible without a smartphone. As a matter of fact, boat refugees crossing the Mediterranean or part of the Atlantic to Europe were not unheard of before the smartphone revolution. The logistics of transport were different then, more sluggish and unpredictable, and less efficient for both parties. Many smugglers solicited their services in person, and their prices and offers became known through word of mouth. The wait in the village and in key ports was longer, but in the end, the boat left the shore. In this respect, the effects on smartphones on the refugee movement from A to B are consistent with its effects in mainstream society, namely to enhance efficiency and logistics. Granted that sending an emoji to your sweetheart is not the same as asking an acquaintance whether it is safe to cross a border, the underlying principle and the infrastructure on which it depends are identical.

Micro-coordination

Micro-coordination consists in the continuous, instantaneous communication of future social activities on a dyadic or larger-scale relationship, enabled by apps on the smartphone. The consequences of micro-coordination include changes in the phenomenological experience of time as passing, instantaneous or enduring, structured or unstructured, accountable or fleeting. When activities can be coordinated continuously, they can also be tweaked, shifted temporally or even postponed at short notice. The rhythm of micro-coordinated living is faster and tighter than that of the previous era of the clock and landline, but it is also more flexible, less certain and easier to manipulate.

A question that needs to be raised in this context is whether the micro-coordination enabled by the smartphone generates, for example, an

improved sense of autonomy, increased job opportunities and primary social control (e.g. of women left at home during the day)? Does it work as an antidote against the potential emptiness and directionless character of the monotony of the long wait?

Research in the field (such as Gillespie et al., 2016; Leurs & Smets, 2018) shows how the smartphone creates affordances which were formerly non-existent. As pointed out by Ling and Lai (2016), people with smartphones are now individually available regardless of their location. Notwithstanding the difficulties of acquiring local SIM cards without a fixed address and identity papers, refugees on the move in Europe have, in the space of just a few years, become dependent on the phone for a range of essential activities. It reduces waiting time because activities can be planned and coordinated in real time, it increases knowledge of anything from local geography to the whereabouts of family members or the informal job market in Amsterdam, enables calls for assistance or casual encounters and makes temporal markers like 09:30 am irrelevant. In this, the temporal flexibility afforded by the smartphone, reducing the importance of universal clock time, contrasts with the formal asylum apparatus, which assigns appointments at fixed hours, where delays cannot be mitigated through micro-coordination, and where the temporal regime remains stuck in a mid-twentieth century rhythm based on the assumption that clock time reigns supreme and that appointments must be fixed long in advance. Migrants accustomed to the flexibility of instantaneous ‘timeless’ time (Castells, 1997) may find the rigid temporal regime of the bureaucracy stifling, inflexible and oppressive. The certainty of assigned appointments coupled with the fundamental uncertainties of the migrants’ situation confirms Bandak and Janeja’s general assessment of what waiting consists in: ‘Waiting is not to be found merely in the absence of action but in an uncertain terrain where what is hoped for may or may not occur’ (Bandak & Janeja, 2018: p. 16).

* * *

To many who live in the affluent North Atlantic world, the smartphone is – among other things – an entertainment machine, a bottomless and endless source of encyclopaedic knowledge, a news service, a gossip generator and a weather forecaster. It is in this regard a younger, miniaturised and deterritorialised relative of the newspaper, the cinema, the game arcade and the television set.

To refugees in one of their several liminal phases, the smartphone is to a greater extent a descendant of the landline and the phone booth, the letter, the postcard, the coffee shop and the physical encounter at the railway station or in other locations where recently arrived immigrants typically meet. It has turned Wi-Fi and outlets into precious, scarce resources, precisely because it is a multipronged lifeline. The implications of this framing of the smartphone for temporality are many. It creates instantaneity and

compresses time and space by enabling regular, instantaneous contact with relatives and others in any location. It also expands space and personalises time by creating the possibility of building and maintaining networks in the form of 'imagined communities' of people who may not know each other personally but have a shared agenda and similar backgrounds. It also enables new forms of autonomy and monitoring of circumstances, holding out a promise of a horizontally networked social world as an alternative to the hierarchically structured one, by facilitating non-state, grassroots, informal networks operating in real time. Owing to the instantaneous communication obliterating spatial distance, it certainly becomes important as a medium for personal networking to people who, before the flight, had an indifferent relationship to it.

Yet the virtues of the smartphone as a flexible networking tool are also some of its limitations for people with an interest to stay under the radar of the state and other institutions bent on controlling their mobility. In the space of just a few years, the smartphone has become indispensable, like the air we breathe, but for people wedged between a rock and a hard place, that air often carries with it a foul smell.

The difference should not be exaggerated. Much of the time, refugees just use the smartphone to fill the gaps created by the long wait with enter- or infotainment apps, such as games, music or news sites.

In addition, the smartphone is a repository and an archive, freezing previous moments and storing half-forgotten memories, essential for people who have been forced to leave not only belongings but also persons behind. The smartphone is not a phone, it is a miniaturised, but enormously powerful, time-capsule enabling the storage, expansion and compression of time.

Stories about refugees and smartphones do not merely signal a series of changes in the situation of persecuted and precarious people on the move: from the boy who saved his life and that of his friends by urgently texting a volunteer about oxygen depletion in the car booth to the professionally skilled refugee who negotiated a job in Beirut from a camp in Libya, or people reaching out to relatives and friends left at home or in another European location or the use of apps to manoeuvre through the urban jungle of a foreign place. These testimonies say something about a new world, where the refugee and the smartphone fit seamlessly into a larger narrative about the destabilisation of time and place, horizontal or sideways scaling of the social, deterritorialisation and the permeability of all kinds of boundaries. It may be the case, as Urry (2000) once suggested, that the sociology of a place is giving way to a sociology of mobility, but it is probably more accurate to conclude that all that is solid indeed melts into air, if not merely in the way envisaged by the influential Victorian thinker Karl Marx.

There are affordances involved but no technological determinism. People use the phone in ways which were not imagined by their designers. It can be used to tweak time in a multitude of ways. As I have shown, it typically compresses time and accelerates communication and activities. However, time

can also be slowed down deliberately with this technology. As Nicolescu (2014) shows in a study of Romanian teenagers, many deliberately used text messaging rather than messaging apps in order to introduce a slight delay and reduce the normative pressure of responding immediately.

It is worth keeping in mind, at the end, that notwithstanding the accelerating affordances offered by smartphone technology, empowering and in many ways helpful for people on the move, their situation remains one of uncertainty and waiting, their time less cumulative, less structured and less directed than they would have wished for. The smartphone sugars the pill by facilitating the filling of temporal gaps and accelerating social communication, but it does not spirit away the more inert and sluggish structural conditions shaping the unstable temporal conditions under which undocumented migrants live.

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Part II

**The social relations
of waiting**



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5 Mo's challenge. Waiting and the question of methodological nationalism

Kari Anne Drangslund

Introduction

A sunny afternoon in November 2017, Mo and I took one of our many walks in a park adjacent to the asylum camp where he was living in Hamburg. Mo, an Afghan man in his early twenties, had waited for 2 years for the answer to his asylum application. As we strolled along, he spoke about his longing to meet his family who lived in Iran and how he feared deportation to Afghanistan – a country he had never seen. He was ‘constantly thinking about the future,’ and about how he might ‘solve his problems,’ as he put it. ‘Kari, I believe I am slowly going crazy,’ he said. At that point, I feared for his life. ‘Do you have an advice for me?’ he asked. I felt a desire to provide some form of comfort, to give some advice. ‘What about vocational training?’ I said, albeit hesitantly. ‘You know ... there is this possibility ... with vocational training, you can stay.’ Walking next to me, Mo sounded upset as he said: ‘But I cannot do it. My mother needs money so badly now. I must work. I cannot wait three years.’

The aim of this chapter is twofold. First, I wish to address some epistemological challenges that emerge upon using waiting as an analytical lens in ethnographic research on irregular migration. Second and consequent, I want to think about ways to engage with these challenges analytically. Particularly, I explore how the temporal logic of waiting as an analytic optic intersects with the territorial imaginary of methodological nationalism; that is, the assumption that the nation-state is the natural political and social form of the modern world (Glick Shiller & Wimmer, 2002: p. 301). Waiting, as a temporal imaginary, tends to be structured in terms of an orientation towards an anticipated and awaited future (object). Due to this temporal structure, I suggest, the imaginary of waiting risks enforcing a conceptualisation of the present in terms of lack. With ‘lack,’ I mean to capture how the present comes to be thought in terms of incompleteness in relation to the suspended and awaited future to which it tends. I argue that this structure makes the analytical lens susceptible to reinforcing methodological nationalism when it is used in ethnographic research on irregular migration. I suggest, that to further the critical potential of waiting as an analytical

lens, waiting should be conceptualised in terms of temporal heterogeneity and relationality.

The scene opening this chapter took place during an ethnographic fieldwork I conducted in Hamburg, Germany, from 2017 to 2018. I moved to Hamburg in August 2017, as part of an interdisciplinary project, researching European border practices and the conditions of irregular migrants through the analytical lens of ‘waiting,’ thus forming part of a growing body of research on waiting and migration (Conlon, 2011; Andersson, 2014: p. 166; Bagelman, 2016; Jacobsen and Karlsen, 2020). In the autumn of 2017, German migration discourse was marked by the growth of the nationalist party (*Alternative für Deutschland*) and political struggles in the aftermath of the increase in numbers of asylum seekers in 2015 and 2016. Between 2015 and 2017, the German Parliament issued around 20 bills in the field of migration legislation (Forum Menschenrechte, 2019), which to a large extent curtailed the rights of asylum seekers and raised the required threshold for granting asylum statuses. Young, male, single and healthy Afghans, such as Mo, had little possibility of being granted with asylum in Germany. However, Germany’s migration policies have for years also been shaped through the state’s concern with demographic change and labour shortage (Sekino, 2010; Castañeda, 2012; Schultz, 2018). In 2016, with the new *Integrationsgesetz* (Integration Act), the German government opened for the possibility that some categories of rejected asylum seekers could receive a long-term *Duldung*, that is, a temporary suspension of deportation, if they started *Berufsausbildung* (vocational training, in short: *Ausbildung*). The regulation came with the possibility of a temporary residence permit for those who manage to successfully complete training (usually after 3 years). The *Ausbildungsduldung* implies years of deportability, a standing prohibition against travelling abroad, and the ruling out of family reunification. However, in 2017, people working with asylum seekers whose applications were denied began to understand the category of *Ausbildungsduldung* as a longed for, albeit tough, solution; a way out of the precarious condition of irregularity and deportability (Scherschel, 2016; Will, 2018; Drangsdal, 2020). It was within this context that I suggested *Ausbildung* as a solution to Mo’s ‘problems,’ as he put it. Responding to his hardship, I reached out for and conjured up a trajectory to a future where he could ‘stay’ in Germany. However, Mo rejected my advice with a reference to an urgent ‘now,’ pointing out how training means a suspension of work-income: ‘My mother needs money so badly *now*.’

My point of departure for this chapter is Mo’s rejection of my suggestion that he started training. Our conversation prompts a critical question: From which awaited future do I envision Mo’s ‘now’ and what are the ramifications of this temporal positioning to my understanding of his life?¹ In this chapter, I first approach Mo’s answer as a challenge to think through how methodological nationalism informs waiting as an analytical lens in ethnographic work. Importantly, my response to Mo highlights

how spatiotemporal imaginaries, such as methodological nationalism, or indeed, waiting, are never solely a matter of thought or contemplation alone. Rather, they are performed and practiced in fieldwork as scholars observe and take part in migrants' struggles for their rights and the possibility to build a liveable life (De Genova, 2013b). Second, I approach Mo's challenge as a call to be attuned to the complexity and heterogeneity of the 'now' of the people whose lives researchers scrutinise through the lens of 'waiting.'

I will elaborate my argument and methodological prism in several stages. First, I will supply an account of the research on which I base my discussion and provide some methodological considerations. Afterwards, I discuss the critique of methodological nationalism in migration research (Wimmer & Glick Schiller, 2002; De Genova, 2013b) in relation to some core conceptual features of waiting. I argue that the temporal structure of waiting, with its configuration of the present as a 'lack' in relation to an awaited future, might enforce a reductive understanding of irregular migrants' struggles and reinforce a notion of a benevolent state. In the subsequent sections, I tune into the stakes of Mo's answer, while also drawing on other fieldwork encounters. In that respect, 'Mo's challenge,' which was the starting point of this chapter, also stands for the general challenge of listening carefully to people. Drawing on the work of historian Chakrabraty (2000) and geographer Massey (2005), I argue that the task of analysing the practices and experiences of my interlocutors requires opening the lens of waiting to temporal heterogeneity and relationality. Temporal heterogeneity, in this context, involves, on the one hand, an understanding of people as immersed in multiple and co-constitutive temporalities. I show in this chapter how such temporalities play out on different scales, such as the scale of international politics, and at the embodied, daily 'microlevel' (Mountz & Hyndman, 2006: p. 447) of migrants' experiences. On the other hand, the lens of temporal heterogeneity involves recognising how the 'now' of things, places and peoples' lives are imbued with change, in the sense of being, as Massey puts it, 'a constellation of processes' (Massey, 2005: p. 141). Such an approach opens the lens of waiting to multiple and interrelated futures and thus complicates any story of waiting as tending towards a foretold end that is spatialised as reinsertion into the nation-state. By showing how the experience of waiting is shaped through a sense of life as *not* waiting – that is, how the 'now' of waiting is relationally lived and imbued with change – I argue furthermore, that rethinking waiting in terms of temporal heterogeneity might further its potential as a lens for critique of present bordering practices.

Research context and some methodological considerations

My analysis is based on 11 months of ethnographic fieldwork in Hamburg (August 2017 to June 2018), and on subsequent contact with eight of my interlocutors in the following years. I also draw on fieldwork conducted in southern Germany in April 2017.

I met most of my interlocutors in two asylum camps, or so-called *Erstaufnahmeeinrichtungen* (EAE). EAE camps provide provisional housing, often barracks. In 2017, asylum seekers were obliged to stay in such camps during their first 6 months in Germany. Yet, Hamburg was coping with the increase in the number of asylum seekers in 2015 and 2016, and the average time of residency in EAE camps in 2017 was longer (Zentraler Koordinierungsstab Flüchtlinge, 2017). At the time of my fieldwork, some of my interlocutors, including Mo, have been living in such camps for more than 18 months. The majority of my interlocutors in the camps were Syrian families or men with a Dublin decision or a *Duldung* status, as well as male Afghan asylum seekers who were either awaiting their asylum decision or holding a *Duldung*.² As this account may testify, the vast majority of the inhabitants in the camps were men. I also got in contact with people through two humanitarian organisations working with irregular migrants. The people I met in these arenas were mostly from Ghana or other West African countries and were either holding a *Duldung* or living unauthorised in Germany.

Since I contextualise my discussion in relation to the German *Ausbildungsduldung*, this legal construct needs some explanation. The *Duldung* is not a residence permit but prescribes a temporary suspension of deportation (normally 3–6 months), due to legal, humanitarian or factual reasons. It can be renewed, and many live in this condition for years. Studies have highlighted the *Duldung* as a condition of rightlessness, uncertainty and social stigma (Castañeda, 2010; Mitrić, 2013; Drangsdal, 2019; Herbert Brücker, 2019). As opposed to this finding, state and humanitarian actors have tended to frame the 2016 *Ausbildungsduldung* as providing migrants with future prospects (Drangsdal, 2020). Its novelty was that it prescribes that appropriate training might provide the ‘tolerated’ (*geduldet*) migrant with a legal right to a suspension of deportation for the full duration of training. Furthermore, upon successful completion of the training period migrants acquire the right for a 2-year work-related residence permit, with the possibility of renewal. However, the 2016 *Ausbildungsduldung* was not given to Dublin migrants, or (with some exceptions) to people from so-called secure third countries. Thus, it excluded most of my Syrian and Ghanaian interlocutors.³ My conversation with Mo highlights young and able Afghans as a target group for the *Ausbildungsduldung* in Hamburg.⁴ Germany had, with some exception, stopped most deportations to Afghanistan in 2017 (Pro Asyl, 2019). Afghans, when receiving their deportation decision would thus also receive a *Duldung*. As was the case for Mo, this form of *Duldung* would (with some exceptions) give the right to a restricted work permit (Voigt, 2020).

Before I move on, two clarifications are required. First, to secure their anonymity, I have changed my interlocutors’ names and slightly altered features of their biographies, including the spatiotemporal markers of our encounters. Second, there is a need to be clear about the different situations for people waiting for an asylum decision and for those outside the asylum

institution. On the one hand, my interlocutors in the camp, including Mo, commonly used the German verb *warten* (wait) to describe the exhausting situation of awaiting the asylum application decision. My West African interlocutors, on the other hand, seldom referred to their situation in terms of ‘waiting’ but rather described it as a condition of ‘struggling,’ thereby narrating their present situation as part of a life-long struggle for a viable life.⁵ The majority had years of migration behind them, often in precarious material and legal conditions.

These differences highlight ‘waiting’ as a diverse condition. Importantly however, also the Afghans with whom I spent time often described their lives in Afghanistan or Iran in terms of struggling to make do in the context of an uncertain future. A topic of our conversation was how, for some interlocutors, the present condition in Hamburg formed part of a generalised condition of uncertainty. As Ali, a young Afghan man, once said: ‘My problem here is the same as in Afghanistan: An uncertain future.’ This sense of generalised uncertainty recalls Vigh’s (2008) argument regarding the Western conception of ‘crisis’ as an exceptional condition. Drawing on fieldwork in Guinea-Bissau, Vigh describes how crisis becomes a context of life, which forces people to ‘make lives in fragmented and volatile worlds rather than waiting for normalisation and reconfiguration’ (2008: p. 8). By reading the notion of waiting through a lens of relational space and temporal heterogeneity, I seek to nuance the understanding of how waiting is experienced and practiced and, furthermore, the conceptualisation of waiting as a state that tends towards ‘normalisation,’ which, when the research object is irregular migration, often is spatialised in terms of reinsertion into a territorial, national order.

Methodological nationalism and waiting’s ‘not yet’

In their seminal text on methodological nationalism in the social sciences, Glick Schiller and Wimmer contend that ‘nation building, the control and restriction of immigration and the rise of a social science preoccupation with migration are interlinked processes’ (2002: p. 302). They argue for the need to scrutinise the epistemological ramifications of the predominant assumption within migration research ‘that the nation/state/society is the natural social and political form of the modern world’ (Wimmer & Glick Schiller, 2002: p. 301). Additionally, they criticise migration research for inattentiveness to nationalism and its effect on nation-building processes and argue that empirical research tends to be circumscribed by the territorial boundaries of nation-states. Within the German context, Hess (2015) has shown how methodological nationalism operates in research on ‘guest workers’ and migrant integration to essentialise migrant identities and naturalise national (and racialised) policy concerns. In a similar vein, De Genova (2002, 2013a) has shown how methodological nationalism works to naturalise migrant illegality and conceal its political and legal production.

In this often-unexamined spatial imaginary, the refugee and the irregular migrant are positioned as a problem and denied, as Arendt (1967) argues, rights and protection. Through writing and fieldwork practices, De Genova argues, researchers participate, unwittingly or consciously, ‘in the very same socio-political processes and struggles through which the “national” configuration of “society” (or, the social field) is reified’ (2013b: p. 251). He calls for a self-reflexive critique of how research ‘contributes to the ongoing nationalisation of “society”’ (2013b: p. 252).

One researcher who has taken up the call to think critically about how methodological nationalism informs research that takes migrants’ waiting as its object of study and analytical lens is the anthropologist Ramsay (2017). Exploring humanitarian and policy discourses on migrants’ protracted waiting in refugee camps, she argues that these discourses narrate migrants’ displacement and waiting as a story that ‘begins at exodus, when refugees lose the national identity of their origin country, and is resolved when the refugee is once again re-inserted into a context of national identification’ (Ramsay, 2017: p. 18). This one-directional temporal logic, she argues, also pervades research literature, with consequences for how policy and migrants’ experiences are analysed. Drawing amongst others on Vigh’s (2008) critique of the exceptionalism that pervades scholarly work on crisis, she argues that displacement tends to be conceptualised, as a ‘a juncture in time, as a condition of temporal liminality in which refugees and other kinds of irregular migrants are seemingly permanently suspended in the immediacy of the present’ (Ramsay, 2017: p. 18). To her, the metaphor of ‘liminality,’ used in anthropology to capture transitional rites, signals a logic of temporal linearity and transition. It might, she suggests, reinforce a conception of migration as a crisis in relation to the normal (national) social fabric. Through ethnographic work with migrant displacement and resettlement programs to Australia, she (2017) shows how this logic reduces the complexity of migrants’ lives and reproduces instead a notion of a benevolent state as the redemptive endpoint to waiting (see also Drangslund, 2019).

Ramsay’s argument recalls the work of scholars such as Salih and Richter-Devroe (2018) and Malkki (1995, 2012) who, through empirical work with Palestinian refugees and with Hutu refugees in Tanzania, show how the organising logic of territorial nation-states informs thinking about displacement, statelessness and dispossession. All these three scholarly works highlight how methodological nationalism functions, in thinking and writing, as a ‘chronotopic’ (Bakhtin, 1981) imaginary; that is, an imaginary that performs and ‘project[s] premises about’ (Kelly, 1998: p. 843) ways of thinking space and time, including people’s presents and futures. In other words, to paraphrase Kelly’s discussion of the large-scale chronotopic imaginaries of modernity and globalisation, methodological nationalism ‘establish[s] space-time possibilities’ (Kelly, 1998: p. 843; see also Klinke, 2013). In relation to migrant displacement, methodological nationalism operates to conjure up a trajectory that tends towards a future ‘that already

is foretold' (Massey, 2005: p. 68) as reinsertion into 'the national order of things' (Malkki, 1995: p. 495).

What I want to draw attention to in the following, and thus changing the gaze somewhat, is how the analytic optic of waiting carries with it some conceptual features, which, I argue, make it susceptible to reinforcing methodological nationalism. This focus is important, because while waiting often is deployed to investigate the *temporal* dimensions of borders and migration, how time is thought is often left implicit. Consequently, waiting's chronotopic functions remain unexplored. Since I am unable to provide a thorough analysis of the conceptual 'baggage' (Desjarlais, 1997: p. 11) of waiting in this short essay, I will merely point to two interrelated features that tend to characterise waiting as a temporal imaginary to make my argument. These are the orientation of waiting 'towards' (or, perhaps rather 'from') an awaited future; and a related conceptualisation of the present in terms of lack and incompleteness in relation to this future.

Waiting as a chronotopic imaginary

Tracing the etymology of the verb 'to wait' from the German meaning *to guard* and the French meaning *to watch*, Bissell shows how the verb suggests 'a sense of anticipatory preparedness – a lying-in-wait-for' (2007: p. 282). Drawing from this, he argues that an understanding of waiting as some form of anticipation is common within Western thought. Waiting, he contends, is often seen as brought about and necessitated by 'the promise' of an 'event-to-come' (Bissell, 2007: p. 282; see also Rotter, 2016). This temporal configuration, he notes, is visible both within eschatological conceptualisations of waiting (see also Vanstone, 2006) and within research literature that is underpinned by the linear temporal model associated with capitalism. Within the latter temporal model, waiting generally, as Lahad (2017) observes, carries negative associations and is understood as a 'wasted' time that should be eliminated or minimised for the sake of a more productive time.

Visible here, I suggest, is how waiting, as a chronotopic concept, tends to be oriented towards a still absent future (its anticipated end). This temporal structure also underlies Bourdieu's thinking about waiting and power on which many (migration) scholars have fruitfully drawn (Jeffrey, 2008; Hage, 2009; Auyero, 2011; Bagelman, 2016). Waiting is a relation to time where 'we anticipate the future as too slow in coming,' Bourdieu (2000: p. 209) argues, quoting Pascal. Bourdieu's work on waiting highlights that intrinsic to conceptualisations of waiting's 'now' (the state of anticipation) is its configuration in terms of some form of lack in relation to, absence of or distance from the awaited future. Indeed, when Bourdieu, discussing waiting as form of power, notes that destroying hope implies 'killing the waiting itself' (Bourdieu, 2000: p. 228), or when Crapanzano states that in waiting the world's 'only meaning lies in the future – in the arrival or non-arrival of the

object of waiting' (in Rotter, 2016: p. 81), they highlight an imaginary that posits the 'now' as analytically meaningful solely in relation to the awaited (hoped for) object or future. In other words, waiting's 'now' becomes legible as the 'not yet' of the awaited future (waiting's end).⁶

It should be noted here that thinking the present as a relation to the future means different things for scholars, such as Bourdieu and Crapanzano, given the underpinning conceptualisations of time (Hodges, 2008; Pedersen, 2012). Bissell's work (2007), for example, highlights that while 'waiting' within mobility studies is thought in terms of temporal linearity, the concept also often implies a messianic temporality (see also Vanstone, 2006). Often however, as Ramsay (2017) notes, the underpinning conceptualisations of time are left implicit in work on waiting. My concern is that, as far as its temporal structure and chronotopic function are left implicit, the analytic optic of waiting risks enforcing a reading of the present in terms of lack when applied in ethnographic research. This is so, because while the awaited future (waiting's 'end') already figures in its 'now,' it has still not 'arrived.' In other words, in the chronotope of waiting, the 'now' remains a condition of incompleteness in relation to the awaited future that it tends towards. When waiting is used as lens in empirical research, it thus matters how the future is imagined *and* spatialised.

Practicing the spatiotemporal imaginary of waiting in fieldwork

My interest here is what happens when the chronotopic imaginary of waiting is deployed as a lens in empirical research. In order to answer this question, I believe, we must acknowledge how researchers not only practice their (our) spatiotemporal imaginaries when writing up the analysis (Massey, 2005). Indeed, spatiotemporal imaginaries are also practiced in embodied and affective fieldwork encounters in contexts where (political) nationalism materialises through law and policy. As De Genova argues, 'the dilemma of methodological nationalism is never simply a matter of not *thinking* critical enough' (2013b: p. 251, my italics). Faced with irregular migrants' struggles in conditions of deportability and violence, researchers reach out for and temporalise time in relation to available futures (Bourdieu, 2000). Such futures are currently possible, as Hage (2003: p. 15) has noted, primarily within national societies that work as mechanisms for the distribution of a dignified and meaningful social life. In this context, waiting, as a chronotopic imaginary, is spatialised in particular ways, and concepts such as delay, immobility and movement acquire normative meanings.

My encounter with Mo might illustrate this point. When I conjured up the future horizon of training, I took part in a broader societal discourse on the *Ausbildungsduldung*. As I have detailed elsewhere (Drangslund, 2020), the predominant discursive framing of the *Ausbildungsduldung* in 2017 was as a possibility and hope for tolerated migrants. In public and humanitarian discourses, it was coded as future oriented and in terms of activity

(training) and movement towards a secure and viable life in Germany. As Mitrić (2013) argues, the *Duldung* is more than a regulation. It is a form of chronotopic ‘storytelling in which the state narrates itself’ (2013: p. 166) to constitute certain meanings and scenarios of belonging. However, while Mitrić shows how the *Duldung* as such has functioned to ‘map’ (2013: p. 134) the tolerated migrant as outside to, or rather, as ‘suspended in’ (2013: p. 134) the space and time of the German nation-state, the *Ausbildungsduldung* is structured, in public discourse, as a time of transition, through training, towards *Aufenthalt*. Illustratively of its temporal structure is how the Social Democratic Party (SPD), in the context of policy discourses on labour shortage and demographic change, has framed the *Ausbildungsduldung* in terms of *Spurwechsel* (lane-change) for (rejected) asylum seekers, that is, as a change of lane or tier from asylum to work on the journey towards the imagined end-station of *Aufenthalt* (residence permit) (SPD, 2018; Starzmann, 2018; Voigt, 2018; Walter, 2019).⁷ The future is, as Massey puts it, ‘inscribed into the story’ (2005: p. 68). This was also the story in which training could appear as solution to me. I seemed to have already known the future that was ‘too slow in coming’ for Mo. I approached his now, and his ‘problems,’ as he put it, as the ‘not yet’ of this (awaited) future: Training will enable him to move towards a secure future defined and spatialised through *Aufenthalt*.

Mo challenges such a reading of the *Ausbildungsduldung* in terms of movement. Defining training as a condition of *waiting*, his answer enhances and rearticulates the *Ausbildungsduldung* as a condition of delay and immobility. Importantly however, he does this by referring to a ‘now’ that ‘cannot wait.’ In other words, it is by highlighting how his ‘now’ is relational and configured in terms of movement and change that he makes the *Ausbildungsduldung* visible as a condition of waiting. Thereby, while his answer challenges an understanding of the *Ausbildungsduldung* in terms of movement, it at the same time complicates a reading of his waiting in terms of stasis and immobility. The challenge he posits to ‘thinking waiting’ recalls Chakrabarty’s (2000) critique from a very different field; the critique of historical discourse. Arguing that academic historical reasoning positions contemporary people and places in a developmental process towards a foretold future ‘whose theoretical subject [is] Europe’ (Chakrabarty, 2000: p. 34), Chakrabarty shows that to read people’s lives from the perspective of a foretold (known) future is conditional on an occlusion of the plurality of forms of belonging and temporalities people are immersed in. His work opens for an acknowledgement of the plurality of futures people envision for themselves, and that are practiced and produced as people live their lives in a web of spatiotemporal relations – relations that are, as Massey (2005) argues, always relations of power. Inspired by this critique, I address the challenge Mo poses as a challenge to read waiting against its ‘one story’ structure, forged within the nation-state frame – a story that might easily be creeping into writing. To paraphrase Vigh, what is at stake is a matter of ‘freeing the concept from its temporal confines and thereby putting it to analytical use’ (2008: p. 9).

A method of temporal heterogeneity

Scholars have taken different steps to ‘de-naturaliz[e] the national in research methodologies’ (Amelina & Faist, 2012: p. 1707). This includes, for example, different forms of transnational methodologies (Mountz, 2011; Casas-Cortés et al., 2015; Hess, 2015) and relational approaches to space (Amelina & Faist, 2012). In relation to the spatiotemporal imaginary of waiting, this critique requires, to paraphrase Chakrabarty (2000: p. 45) again, displacing the nation-state from the centre towards which the time of waiting gravitates. This could be done in different ways. Ramsay’s analytical move attempts to undermine the conception of citizenship as waiting’s end. Studying her interlocutors’ encounters with the Australian state, she shows how a sense of displacement and exclusionary practices endure after resettlement (Ramsay, 2017). Ramsay’s move takes on salience in relation to Germany’s extensive use of temporary residence permits, renewal of which, for some legal statuses, requires economic self-sufficiency. As one Nigerian man said, reflecting on the difference between his temporary residence permit and the previous *Duldung* (with a work permit): ‘When you are recognised, it’s also another race, it’s like, you have to chase the paper, you know, like proving to them you want another year, by working...’ By referring to his struggle for papers as a ‘race,’ which awakens associations of competition, speed and exhaustion, he highlighted the continuous struggle to find work in a racialised labour market, and the precariousness of his inclusion (Karlsen, 2015), temporally, legally and materially, into the German state. It should be mentioned here, however, that when he talked about his life in Germany, he also stressed how his experiences formed part of a life-long struggle to make a viable life for himself in different locations. He narrated his life in Hamburg as part of a longer and open-ended journey: From struggling to find work as a young man in Accra, through years in Libya where he earned good money, to his flight to Europe in 2011 and subsequent years without secure work, legal status or family in Italy. While my focus in this chapter is on the future, this is a reminder of the meaning of the past for how people experience waiting (see, e.g. Hage, 2018). In that regard, a reductive reading of waiting’s ‘now’ might not only be related to a conception of citizenship as waiting’s end but also to an equation of waiting’s beginning with the migrant’s ‘arrival’ on a state territory.

I will, however, make another move to tune into the stakes of Mo’s now – stakes that, as Mo’s answer indicates, evade understanding if his life is imagined primarily as tending towards an awaited future of *Aufenthalt*. This move implies rethinking the temporalities or temporal structure of waiting. As a response to ‘Mo’s challenge,’ the questions I address in the rest of this chapter are: What is the potential for knowing if we address Mo’s ‘now’ through an analytical lens (waiting) that starts out with its relational character, that is, how his now is also his mother’s now? What happens if we address waiting (object of study) through a notion of temporal heterogeneity

and how might this move challenge methodological nationalism? Asking these questions, I am inspired by Chakrabarty (2000) and Massey (2005), who from their different perspectives within postcolonial history and feminist geography, argue that questioning teleological narratives, such as modernity or globalisation, necessarily implies questioning the underpinning conceptions of time. While their respective objects of study were history and space, their works are useful for my purpose to think through the analytical optic of waiting in relation to the chronotopic function of methodological nationalism. This is so because in different ways these authors show how thinking time in terms of temporal heterogeneity and relationality challenges the tendency of scholars' analyses to, and here I paraphrase Chakrabarty, 'sum up [the] present[s]' (2000: p. 251) of people' struggles from the perspective of a foretold future, be it modernity, globalisation, or – as in the present case – a re-established national order. Their work is also a reminder that thinking about colonial others as 'waiting' to arrive in a future forged in the imaginary of the European nation-state carries racialised and essentialising normative assumptions (Chakrabarty, 2000: p. 8).⁸ If I am right that waiting easily entails a reading of migrants' now as a condition of lack in relation to a future of politico-legal inclusion (a future where the researcher often already is situated), their critique has relevance for my discussion: It is a reminder to question one's own 'speaking position' (Massey, 2005: p. 87) when telling stories about people waiting to 'enter' Europe.

Mo's challenge: rethinking waiting's 'now'

I first met Mo in August 2017 and then continued to see him on a weekly basis throughout my fieldwork. Although he hoped for a positive answer to his asylum application, his fear of deportation was intense, and he nervously followed news on German deportation flights to Afghanistan. Walking in the park that November day, when he said he feared he was 'going crazy,' I was worried by the pitch and tone of his voice. I knew he had stopped volunteering, stopped drawing, which he loved, and that he did not eat much. The young man, who had always lived with his family and from childhood worked long hours in a carpentry, was tired and exhausted by the 'cumulative stress' (Mountz, 2011: p. 388) of unemployment, loneliness and fear. To respond to his despair, I decided to point to the possibility of training, and, thereby, to conjure up a path to a future in Germany.

My response to Mo was surely affective and embodied. Nevertheless, as I have suggested to posit the *Ausbildungsduldung* as a solution presupposes a reductive reading of his now. At the least, it presupposes what Hage has called a 'labour of disentanglement' (2018: p. 204) of the different waiting(s) producing his condition. As Hage notes, when researchers 'produce one form of waiting as an ethnographic example, they surely must have already disentangled it from other forms of waiting it coexists with' (2018: p. 204). Thus, he argues, it is crucial that researchers make visible their analytical

labour of disentanglement. What I want to point out here, however, is that the labour of disentanglement that make the *Ausbildungsduldung* appear as a solution, simultaneously implies an act that ‘envelops other kinds of times’ (Chakrabarty 2000: p. 16) and future horizons in the time of the *Spur* – the time defined through the German state and its economic interests (Mitrić, 2013; Drangsdal, 2020). Mo’s answer demonstrates that for him waiting for *Aufenthalt* was ‘fused’ (Hage, 2018: p. 204) with his mother’s own waiting for him to send money. It was fused in ways that make full-time training (no work-income) undesirable as a solution.

When Mo rejects training on the grounds that ‘he cannot wait,’ he clearly refers to the obligation to provide for his family *immediately*. Mo’s family, who at that time lived in Iran, struggled to make a living in the context of poverty and a precarious legal status (for research on Afghan migrants in Iran, see Christensen, 2016; Khosravi, 2017). Mo’s obligation to send money highlights a general obligation prevalent amongst my Afghan and West African interlocutors, and underlines the usefulness of remittance as a lens from which to grasp migration as a transnational phenomenon (Nieswand, 2014). Mo’s mentioning of his mother, however, captures a broader concern for his family that fused with his fear of deportation and the uncertainty regarding his legal status.

In 2018, two of Mo’s siblings in Iran married. The expectation on Mo to contribute economically to their weddings became a core topic of our conversations, as did the sense of frustration and longing since he could not attend their weddings. Furthermore, their marriages implied that his aging parents would now be living alone, which raised his concerns. Then, in the spring of 2018, international occurrences gave a new dimension to his waiting. Mo used to show me his family pictures or newsfeeds of Taliban killings of Hazara people, the ethnic group to which he belonged, on his phone. In the spring 2018, he started showing me newsfeed articles quoting the president of the United States of America, Donald Trump, threatening Iran, in relation to Iran’s nuclear program. Rising food prices throughout 2018 and 2019, in the context of the USA sanctions, affected Mo’s family and put a pressure on him, affectively and economically, that fused with his navigations of awaiting the asylum decision and later (in the autumn of 2018) receiving the *Duldung*.

Mo’s situation illustrates how ‘the self is ultimately tied to the social,’ as Vigh (2008: p. 15) puts it. Furthermore, his embodied condition of waiting appears as produced through relations spanning (and producing) spaces and spatiotemporal scales (as the scale of international politics, life course). Important to the argument here is Massey’s (2005) insight that to acknowledge space and people’s lives as produced through interrelations, that is, through ‘interactions, from the immensity of the global to the intimately tiny’ (2005: p. 9), opens up for thinking the ‘now’ (be it of a place, a thing, a subjectivity) as a constellation of a multiplicity of forms of living and temporalities ‘which puls[ate] at different beats’ (Massey, 2005: p. 158). The ‘now’ thus

appears as heterogenous and as imbued with change. Drawing on Massey (2005), Mo's condition (of waiting) might be approached as a constellation of interrelations, that are biological, material, legal and affective. Importantly, these are also relations of power (in which the researcher is situated). To start understanding Mo's movement towards 'crazy,' which importantly involves more fully grasping the effects of waiting as a bordering technique, one must, to put it simply, understand that his now is also his mother's now. Furthermore, one must understand that this heterogenous and relational now *cannot* wait, as Mo says. While, as mentioned, he surely refers to the urgent needs of his family, I suggest that his statement prompts a more general consideration of the role of time and change when thinking of waiting. The urgency of his *now* points towards manifold futures, appearing in his struggle in Hamburg as, to paraphrase Chakrabarty 'a movement of existence, whose direction is futural' (2008: p. 251). This futural direction is visible in his will to work and to be a good son, his siblings' marriages, his mother's possible exhaustion. By grasping the relational character of waiting, the analytical optic might be opened for a consideration of time in terms of change and becoming in ways that complicate a reading of migrants' now from the perspective of a foretold future.

'I cannot wait'

In ethnographic research on irregular migration, waiting is often described as a condition of immobility and slowness (Griffiths et al., 2013; Andersson, 2014). Such a sense of slow time and existential immobility (Hage, 2009) was tangible in my fieldwork, especially in the camps and for people without a work permit (Mitríć, 2013; Drangsdland, 2020). However, this temporalisation of time was deeply entangled with a sense of life *not* waiting. Indeed, an experience of the world's uncontrollable movement shaped my interlocutors' negotiations of spatial and existential immobility.

This entanglement of stasis and change, which also comes across in Mo's story, was forcefully present in my work with people from West Africa. With the exception of one older man, all were in the age of childbearing, as defined biologically (especially for women) and through gendered and heteronormative norms. A common theme in our conversations was a painful sense of time passing in terms of 'age going,' as one Ghanaian man put it, without having children because of an insecure legal and material situation. Their considerations recall Clark's (1999) research amongst Asante traders who, she argues, 'consider parenthood an essential element of both male and female gender and of personhood in the deepest sense' (1999: p. 417). I often discussed these issues with John (36), a Ghanaian IT-engineer who had lived unauthorised in Hamburg for 2 years, working two hours daily washing dishes. Reflecting about his own and other Ghanaians' situation as 'undocumented' (his words) in relation to the importance of parenthood, he once said: 'You have to be careful or else you can stay three or four years in

this situation. You are not growing any younger. If you do not watch out, age will catch up with you.'

John's description of competing with the uncontrollable passing of time, of struggling not to be overhauled, but without the necessary means to do so, illustrates a common topic when my interlocutors described their (gendered) situation. It recalls Bourdieu's theorisations of waiting as a relation to time that occurs when people 'feel directly the breaking of the tacit collusion' (2000: p. 209) of their socially grounded life expectations and the course of the world (astronomical, social and biological processes) over which they have no or little power. Indeed, for John, the condition of waiting and 'watching out' in Hamburg, was in some sense a break of his 'normal' life in Ghana, where he had enjoyed a high rank in his congregation, and in periods earned good money from selling fish. However, for many people I worked with, who had been unemployed or worked in precarious conditions in Ghana or elsewhere, their situation in Hamburg formed part of 'a persistent circumstance' (Vigh, 2008: p. 9) of fragmentation and 'somatic, social and existential incoherence' (Vigh, 2008: p. 9), as Vigh puts it in his endeavour to rethink crisis away from its analytical association with rupture. Interestingly, after he had returned to Ghana and was struggling to find work and rebuild his life there, John told me: 'Life in here is no different from being undocumented in Hamburg. You still struggle to make a move; the only difference is you do not fear deportation,' subsequently explaining that to 'make a move,' means to become a parent/have children.

To highlight and question waiting's analytical association with a 'break,' is indeed important in the context of irregular migration, where, as already mentioned, this break easily is spatialised as a break with the territorial order of nation-states. There is however another aspect of this association of waiting with a break or rupture, that is important to my argument. John's practice of 'watching out' in Hamburg – which illustrates a general sense of alertness to the stakes of being 'undocumented' amongst my interlocutors – points to how his condition of waiting, rather than a break with, is *imbricated* in the 'course of the world' (Bourdieu, 2000: p. 209) in terms of biological processes and social, normative and material relations (Massey, 2005). What fuels John's statements with such urgency – indeed, what defines his 'relation to time,' to use Bourdieu's words – is the embodied experience that life, when waiting, does *not* wait (see also Povinelli, 2011). When age 'catches up with him,' the future he has envisioned for himself (defined through fatherhood) will not be obtainable. The insight he conveys for thinking of waiting, I suggest, is that to grasp the stakes of people's struggles, the conceptualisation of waiting's *now* in relation to a future that is 'too slow in coming' (Bourdieu, 2000: p. 209) must be fused with an image of the future, or rather, *futures*, as always in becoming (Massey, 2005). This insight, furthermore, implies also recognising how people envision different futures for themselves; futures that are also differently spatialised (Vigh, 2008).

Concluding discussion: ‘to read “lack” otherwise’

Starting out with ‘Mo’s challenge’ to my thinking, as he counters my quite-hesitant suggestion regarding *Ausbildung*, this chapter’s objective has been to investigate the analytical optic of waiting in relation to methodological nationalism, and to unpack some ramifications of these imaginaries for how researchers understand migrants’ now(s), their lives and struggles. Such an investigation, which involves being reflexive about one’s (my) own research practices, is important in the context of a growing literature addressing migration through the analytical lens of waiting, and, furthermore, in relation to the prevalence of techniques of deferral in the bordering practices of Germany and the European Union (Bagelman, 2016; Will, 2018).

A core argument in this chapter is that the temporal structure of waiting, when used as an analytical optic in ethnographic work on irregular migration, makes it susceptible to methodological nationalism. I have identified this temporal structure as an orientation towards an (awaited) future and a related reading of the now in terms of lack in relation to this future. Employed in research on irregular migration, the analytical lens of waiting easily, I suggest, conjures up a story about migrants’ now(s) as tending towards a future (waiting’s end) that is spatialised as reinsertion into a nation-state.

Such a reading entails a reductive understanding of migrants’ lives and might reinforce the nation-state frame. Stating this, I do not intend to divert attention away from how migrants’ lives are conditioned by the absence of legal rights. Indeed, waiting gains analytical power exactly from its ability to capture how borders operate through deferral and tenuous future promises (Andersson, 2014; Bagelman, 2016; Barber & Lem, 2018; Drangland, 2019). In other words, as an analytic optic waiting enables ethnographers to see how insecurity and absence of legal rights materialise in migrants’ lives as poverty, deteriorating health and legal and material obstacles for pursuing life projects. This context exhausts people, such as Mo. On the contrary, it is the acknowledgement of the importance of exploring the predicaments of those who are *made* waiting (Bourdieu, 2000) that makes it pertinent to thinking through waiting’s temporal structure when putting it to analytical use.

I have suggested that one possible move to strengthen the analytical usefulness of waiting, by way of wrenching it out of the ‘one story’ structure, is to rethink the ‘now’ of waiting in terms of relationality and heterogeneity.

In some ways, to think waiting through a notion of relationality and heterogeneity could be framed as an act, to quote Chakrabarty out of context, to ‘read “lack” otherwise’ (2000: p. 34). In this chapter, I have used the notion of ‘lack’ to capture how the analytical imaginary of waiting, when used in migration research, might enforce a reading of migrants’ ‘now’ as incomplete in relation to a future nation-state reinsertion. In ethnographic work with irregular migrants however, ‘lack’ also manifests materially in irregular migrants’ ‘nows,’ in the sense that their lives are shaped through

violent techniques of suspension, immobilisation and spatial confinement. To read lack otherwise in this sense, thus, would involve more fully grasping the predicaments of those made to wait. Indeed, to rethink the time of waiting in terms of temporal heterogeneity and relationality furthers the concept's analytical purchase for grasping the temporal dimensions of borders. It opens the analytical lens for the stakes of Mo's answer. This approach conjures into sight that *because* Mo's relationally lived now 'cannot wait,' the *Ausbildungsduldung*, with its suspension of work-income and prohibition to travel, implies for him not movement, but immobility. His life is made up of other trajectories than the 'lane' of the *Ausbildungsduldung* and of other futures than its foreseen end-station. In other words, Mo's answer makes visible that narrating the *Ausbildungsduldung* in terms of movement, not only works to conceal its effects of stasis and deferral, but that this imaginary paradoxically also occludes movement and change, in the sense of occluding the other trajectories, 'lanes' and movements that form his life.

This leads me to another meaning intended by my suggestion to read lack otherwise. For Chakrabarty (2000), to 'read "lack" otherwise,' was part of his critique against how historicism situated the Indian subject in terms of failure or lack in relation to modernity. To him, to read lack otherwise was certainly *not* a quest for better grasping lack and absence. On the contrary, it was a quest for an inversion; to read 'plenitude' and 'creativity' instead of lack (Chakrabarty, 2000: p. 34). In relation to waiting, to read lack otherwise in this sense, implies rethinking the now; from its conceptualisation as a 'not yet' of reinsertion into the national order, to a lived, relational and spatially embedded 'now.' To start understanding Mo's challenge, in other words, involves grasping the various ways he and other people struggle to make a life for themselves, in relation to violent border practices.

In different ways, both Chakrabarty and Massey highlight that to think time in terms of relationality and heterogeneity opens for questioning stories that posit people and places as heading towards an already defined, foretold future. To acknowledge (places and) people's lives as produced through interrelations and the now as inherently heterogeneous is, Massey (2005) argues, a condition for thinking politics at all, because it entails thinking the future as open (see also Chakrabarty, 2000; Grosz, 2011). Recalling this argument here, I am not making a claim for approaching irregular migrants' waiting in terms of becoming or potentiality in any celebratory manner. Indeed, Mo's condition of moving towards 'becoming crazy' shows how waiting is a 'corrosive' (Mulhall, 2014) and exhaustive condition. Peoples' ability to create liveable futures for themselves is unevenly distributed, and the relations through which people's lives are shaped are, as Massey (2005) argues, always relations of power. Yet, to acknowledge that things could be otherwise and to open up for the multiple ways of living and practicing futures is a prerequisite for a critical engagement with methodological nationalism (De Genova, 2013b). Here lies also a critical potential of opening the lens of waiting to temporal heterogeneity and relationality.

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Notes

- 1 The term 'now' is problematical. My choice to use 'now' comes from my effort to figure out what is at stake in Mo's reference to a 'now.' At the outset, I define it loosely as a lived present. My discussions of temporal imaginaries will add substance to this definition.
- 2 A 'Dublin decision' refers to the fact that other European Union countries are held responsible for their asylum applications according to the European Union Dublin Regulation.
- 3 In 2017, Ghana, Senegal, Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia were defined as secure third countries.
- 4 Afghans were the third largest group of asylum seekers in Germany in 2017. However, in the same year only around 45% of Afghans received some form of protection (*Gesamtschutzquote*; cf. Deutscher Bundestag, 2018).
- 5 All conversations with Afghan and Syrian interlocutors were held in German, while my conversations with West-Africans were held in English.
- 6 My thinking here is inspired by Chakrabarty's (2000: p. 8) discussion of waiting and the 'not yet' of historicism.
- 7 The (politically contested) notion '*Spurwechsel*' was used by politicians, humanitarian actors and public media in relation to Germany's first Skilled Immigration Act (*Fachkräfteeinwanderungsgesetz*), which was ratified by the Bundesrat in June 2019 as part of a package of migration laws (*Migrationspaket*). The notion describes more generally a policy that facilitates a transition from asylum to work as a path to a German residence permit, of which the *Ausbildungsduldung* is one of several measures (see e.g. Bojadzijeve et al., 2016: p. 269, Will, 2018: p. 173).
- 8 For a discussion of such mechanism in Germany, see Mitrić (2013) and (Niess, 2018).

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6 Migration control, temporal irregularity and waiting

Undocumented Zimbabwean migrants' experiences of deportability in South Africa

Johannes Machinya

Introduction

Three months before I began my fieldwork in June 2015 in eMalahleni, a coal-mining town in South Africa's Mpumalanga Province, the government had launched a major nationwide crime-fighting blitz code named Operation Fiela. 'Fiela' in Sesotho means 'sweep away,' hence the operation's aim was to sweep away crime in South Africa. The police, accompanied by the military and immigration officials, launched numerous raids across the country in neighbourhoods, taxi ranks and other places suspected of harbouring 'criminals.' However, civil society groups condemned the operation as 'state-sponsored xenophobia' (Velapi, 2015) after noting that it largely targeted 'illegal' foreign nationals as the most likely perpetrators of crime. The numbers behind the operation corroborated these claims: 1,123 of the 2,908 arrests made on July 30 and 31, 2015, countrywide were undocumented migrants; between April and July the same year, government deported over 15,000 people who were in South Africa 'illegally' (Maromo, 2015). Civil society organisations recorded several cases where foreign nationals were rounded up in pre-dawn raids, denied access to legal representation or deported without due process (Allison, 2015). The period of Operation Fiela turned into a 'moment of acute deportability' (Ellis & Stam, 2017: p. 333), wherein increased migration enforcement repeatedly reminded undocumented migrants of their susceptibility to arrest and deportation.

In eMalahleni, police officials continued launching sporadic smaller-scale raids searching for undocumented migrants even after the end of Operation Fiela. Sometimes, the raids were dramatic, especially in Elandeni,¹ an informal settlement on the outskirts of eMalahleni town, where most of the undocumented Zimbabwean migrants lived. The police would unpredictably descend on Elandeni in convoys, armed with guns, and round up undocumented migrants. Sometimes they would conduct arbitrary stop and search missions, stopping suspected migrants in the streets and other public spaces and demanding to see their passports or permits. These enforcement practices, representing what De Genova (2002: p. 436) calls 'the spectacle

of enforcement,' constantly re-enacted undocumented migrants' sense of deportability, which is the state of living with arrest and deportation as a ubiquitous possibility, even if not actually effected (De Genova, 2002).

In this chapter, I examine how migration control in South Africa informs undocumented migrants' sense and use of time. By making the prospects of arrest and deportation more perceptible, I suggest that migration control not only accentuates undocumented migrants' sense of deportability but also plunges them into a profound state of 'temporal irregularity.' Social life, that is, social situations, events and activities, according to Zerubavel (1981), is fairly structured on the basis of time. Zerubavel has importantly highlighted four major dimensions of the temporal profile of any situation or event. First is the sequential structure of situations and events, which tells us in what order they take place. Second is their duration, which tells us how long a situation or event will last. Third is the temporal location, which designates when an event or situation will take place. And the fourth parameter is the rate of recurrence that tells us how often an event or situation (re) occurs. These parameters establish and maintain temporal regularity and thus stability in people's lives. Temporal regularity helps considerably in developing a sense of orderliness. By providing a 'highly reliable repertoire of what is expected, likely or unlikely to take place within certain temporal boundaries, [temporal regularity] adds a strong touch of predictability to the world around us ...' (Zerubavel, 1981: p. 12). Accordingly, on the other end, temporal *irregularity* contributes to the development of a strong sense of uncertainty.

Temporal irregularity, I suggest, is conceptually significant in studying the lived experiences of deportable migrants who are always subjected to the threat/possibility of arrest and deportation. It draws attention to how unpredictability and uncertainty both in terms of future horizon and daily routine can negatively affect migrants' well-being. In this chapter, I show that the discursive and material mobilisation of deportation by the South African state as well as its citizens drew my interlocutors into a temporal experience where they lived contemplating, fearfully, the possibility of arrest and deportation, but remained unsure when and how this would happen. I frame this temporal paradox of deportability, in which deportation was experienced as an inevitable prospect, but with no certain timeframe, as an experience of waiting whereby deportable migrants in South Africa anticipate and 'wait' for the ultimate materialisation of deportation. All of my research participants initially arrived in South Africa to look for work and imagined deportation as inevitable. This was because the country's highly selective and restrictive skills-based migration policy availed very limited opportunities for so-called 'less-skilled' migrant workers to obtain work permits or regularise their stay, making deportation their ultimate fate (Dlamini, 2019).

The undocumented migrants who participated in this study were men and women between the ages of early twenties to late forties who worked

as domestic workers, private security guards, casual workers in the construction sector as well as daily-wage workers. Some were living with their families in eMalahleni, while others had close family members, including children, who they were financially supporting back in Zimbabwe. Through in-depth interviews and informal conversations, my interlocutors told me their experiences of encounters with migration control. There was a general consensus that migration control makes the risks and costs of mobility significantly high, producing ‘processes of entrapment’ (Núñez & Heyman, 2007; Talavera et al., 2010) for undocumented migrants within the borders of South Africa. Such entrapment was not about migrants being absolutely nailed to the ground but more about how they were constricted by the high risks and costs of movement (Núñez & Heyman, 2007).

In the sections below, I situate migration control in South Africa within existing debates on the control of migration and how migration enforcement makes deportability more palpable to undocumented migrants. I then examine how both migration policing and the heightened sense of deportability engender a temporal experience of waiting among undocumented migrants, whereby they wait for something that can happen anytime, or rather hope for something not to happen – namely, arrest and deportation. Finally, I examine how the consequences of anticipating deportation as highly likely become the central organising condition in undocumented migrants’ lives.

Migration control and deportability

In response to the increased movement of people across national boundaries, migrant-receiving countries around the world have ratcheted up their efforts to control migration (Walters, 2002; Cornelius & Tsuda, 2004). Many countries have militarised and intensified the control of border areas and surveillance of interior spaces (Nevins, 2001; Fassin, 2011), tightened restrictions on the employment and access to other services for undocumented migrants (Perea, 1997) and imposed harsher sanctions on those who defy immigration regulations (Campbell, 2006). Deportation is increasingly becoming the ‘ubiquitous penalty for any immigration violation’ (Stumpf, 2009: p. 1684) and a normalised practice of migration control (Bloch & Schuster, 2005). Deportation not only forces undocumented migrants to leave a certain state territory but also propagates anxiety and terror among those who remain as not-yet-deported but facing the prospect of arrest and deportation (De Genova, 2002; Willen, 2007).

One of the objectives and functions of South Africa’s migration control regime, according to the Immigration Act No. 13 of 2002, Section 2 (1)(g), is to promote ‘a climate within the Republic, which encourages illegal foreigners to depart voluntarily.’ The aim is to unsettle undocumented migrants through regular and systematic intimidation so that they will be forced by circumstances to leave ‘voluntarily’ (Klaaren & Ramji, 2001).

Political debates on migration in South Africa are awash with fear-mongering assertions that ‘illegal’ migrants are flooding the country and are viewed as a major impediment to the country’s ambitious agendas of political transformation, economic development and poverty alleviation (Vigneswaran, 2011). Undocumented migrants are blamed for the socio-economic malaise in the country: Unemployment, crime and poor service delivery among others (Minnaar & Hough, 1996; Danso & McDonald, 2001; Alfaro-Velcamp & Shaw, 2016). The then Deputy Minister of Police, Bongani Mkongi, during a press-briefing in July 2017 following his visit to Hillbrow Police Station in Johannesburg to assess issues of crime and illegal trading in Hillbrow and surrounding areas, lashed at foreigners:

How can a city in South Africa be 80% foreign nationals? That is dangerous; that in Hillbrow and surrounding areas, South Africans have surrendered their own city to the foreign nationals... if we do not debate that, that necessarily means the whole of South Africa could be 80% dominated by foreign nationals and the future president of South Africa could be a foreign national... . The arms that are being used here in Hillbrow, are arms of war which are unlicensed. The hijacking of buildings here in Hillbrow it’s a sign of taking over power... by people... that we don’t know... . These buildings are being hijacked by criminals.
(Lekabe, 2017)

While Bongani Mkongi’s claim that 80% of the people in Hillbrow and surrounding areas were foreign migrants was dismissed as unsubstantiated according to existing data (Africa Check, 2019; Heleta, 2019), the Deputy Minister of Police portrayed undocumented migrants (‘people that we don’t know’) as invading Hillbrow and South Africa at large. His message implied that South Africa was under attack from a foreign enemy, who put the nation and its people at risk, and, therefore, called for a fight back. His comments reflect the general sentiment across the country – citizens and some politicians have been accusing the government of failing to act decisively to stop ‘illegal foreigners’ from entering the country (Dodson, 2000; Crush & McDonald, 2001; Crush & Dodson, 2007; Tati, 2008; Vigneswaran, 2011). There has thus been an increasing call for the tightening of border controls, intensification of in-country migration control measures and deportation as the most prudent remedies to the problem of ‘illegal’ migration.

However, scholars have lamented that South Africa’s migration control regime lacks a coherent policy framework, which has caused a disjuncture between policy in principle and practice (Vigneswaran, 2011). Vigneswaran notes that senior government officials were doubtful of the effectiveness of a control-oriented migration policy to stem the problem of ‘illegal’ migration. For example, in 2003, Mangosuthu Buthelezi, then minister of the department of home affairs (DHA), came to the morose conclusion that ‘to think we will ever overcome the problem is a dream’ (Peta, 2003; cited in:

Vigneswaran, 2011: p. 110). Paradoxically, while policy-makers in senior government positions admitted to the failures of a control-oriented approach, policy implementers on the ground were quite active in enforcing controls, which resulted in a hard-line policy framework (Vigneswaran et al., 2010; Vigneswaran, 2011).

Police officials are thus publicly known in South Africa to invest considerable time and energy in arresting and detaining undocumented migrants. In Gauteng Province, which is the major destination for many migrants, police officers spend more than a quarter of their time at work searching for, arresting and deporting foreign nationals (Vigneswaran & Duponchel, 2009). In that respect, Vigneswaran (2011) notes that there has been no clarity on what an alternative policy might look like. Landau (2005) has made a similar observation, noting that South Africa's migration policy tacitly creates and legitimises parallel systems of migration control that often involve exceptional, extra-legal practices in policing foreigners.

While state officials are the major actors in instituting the deportation regime, citizens have also been tasked with detecting 'illegal' foreigners. The police encourage 'community enforcement' measures that place the onus on citizens to report the presence of 'illegal' foreigners (Vigneswaran, 2011). Furthermore, until the late 1990s, the DHA even established a toll-free number and offered reward money to those who reported undocumented migrants (Klaaren & Ramji, 2001). Landau (2005) lamented that such extra-legal policing practices license the targeting and restraining of 'illegal' foreigners by whatever means state officials and citizens deem appropriate. This, therefore, makes undocumented migrants vulnerable to vigilante 'justice' enacted by citizens, which often result in violent anti-immigrant attacks. The latest of such attacks happened at the beginning of September 2019. Such acts of vigilantism resemble the Minutemen Project in the United States of America (USA) in April 2005, which saw citizens, who were disgruntled by the failure of the US government to secure the borders against the 'millions of illegal migrants' allegedly flowing into the USA, set up 'citizen patrols' along the Arizona–Mexico border to monitor and report 'illegal' migrants (Chavez, 2007).

South Africa's control-oriented approach to migration has produced a remarkable rise in deportation numbers. Between 1995 and 2010, South Africa deported more than 150,000 people every year (Vigneswaran, 2011). From April 2009, deportations nonetheless plummeted after the DHA declared a moratorium on the deportation of Zimbabweans and launched instead a special legalisation programme – the Dispensation of Zimbabweans Project (DZP) – specifically dealing with Zimbabweans who had been in the country 'illegally.' The moratorium ended in July 2011. In the 2013–2014 reporting year, deportations rose again to over 130,000 (DHA Annual Report, 2014).

However, these policies hardly achieved the presumed goal of mass deportation; rather, while some undocumented migrants were deported, most remained un-deported subjected to the threat of deportation, that is,

deportability (De Genova, 2002). Below I illustrate how the omnipresent prospect of deportation came to define the temporal horizons of undocumented Zimbabwean migrants in South Africa.

Deportation: an inevitable but indeterminate prospect

In eMalahleni, besides the larger nation-wide operations targeting undocumented migrants such as Operation Fiela, the more basic migration control measures include random passport inspections and police raids. These increased the chances of migrants encountering the everyday forms of police surveillance, thereby compounding the risk of arrest and making the threat of deportation more apparent. My interlocutors reported that the police often target those places where migrants are easy to find such as Isibindi Center, a shopping mall where daily-wage workers, predominantly men, congregate to be picked for a day's work, or *Elandeni*.

Just like the larger operations, the police conduct these more basic control measures as a spectacle. Rutendo Mutero, who worked as a live-out domestic worker and lived in *Elandeni* with her husband and two children, told me she has always been surprised to see armed police entering in convoys into *Elandeni* 'just to look for people with no papers.' Rutendo was indeed perplexed by the amount of resources and energy the police expended on searching for migrants with no papers. 'If you [were to] see them coming here,' she told me, 'you would think that they are going for a war. But they are just looking for people who have no papers.' Rutendo condemned the practices of policing migrants as affirming the stereotypes that associate 'illegal' migrants with criminality; she said: 'Precisely because when [South Africans] see [the police] coming here in their cars and with guns like that, doing what they do to us, they would just think that we are criminals.'

In another interview, Earnest Mudzviti, a daily-wage worker in his mid-forties, expressed shock at the way the police stopped migrants and demanded their passports without ascertaining whether one was a migrant or not, to the extent that he believed migrants were easily identifiable. He recounted an incident when the police stopped him and his two friends as they were walking along a road leading to *Elandeni* after a day's work. The police, imitating an action-movie-style raid, abruptly stopped them; before the vehicle came to a complete halt, two gun-wielding police officers jumped out of the moving car, pointed guns at them and ordered at the top of their voices: 'Show us your passports!' Earnest and his friends were stupefied by the way the police officers acted as if they had seen some dangerously armed criminals. Feeling completely helpless, he and his friends just froze, raised their hands in surrender as the police officers carelessly ransacked their pockets. Neither Earnest nor his friends had passports. The police officers eventually released them, not before taking all their earnings for that day – about R550 (approximately US\$40) – and threatening them with arrest and deportation were they to catch them again not carrying their passports.

This was not the first time Earnest was randomly stopped by the police; he told me they once stopped him in Johannesburg and asked for his passport, and again, only released him after extorting money.

The two incidents above show how the police make migration control a spectacle, which renders migrant ‘illegality’ spectacularly visible as an embodied signifier of difference and danger or criminality. As Rutendo remarked, this consolidates the stereotypical representation of undocumented migrants as dangerous criminals that should be dealt with violently. But more importantly, such encounters pose a major risk of arrest and detention for purposes of deportation to those migrants who have ‘no papers.’ Likewise, given that in such encounters the police officials’ personal discretion and ultimate decision-making power is almost absolute (Vigneswaran et al., 2010), there is a huge risk of migrants losing money through extortion as Earnest and his friends’ case may testify. While extortion often led to the release of the undocumented migrants from the hands of the police, they were always threatened with the promise that ‘the next time’ they are caught they would be arrested and deported.

The threat of arrest and deportation did not only become palpable when the migrants came in direct contact with state officials. Some migrants imagined and anticipated arrest and deportation even when they were not in the immediate clutches of migration control. Many with whom I spoke envisaged the potentiality of their arrest and deportation by drawing on or relating to stories of other ‘illegal’ migrants’ experiences. The possibility of arrest and deportation gravitated towards reality when the undocumented migrants heard stories of the arrest and deportation of other undocumented migrants. They would begin to feel that their time is running out as well, fearing that they would be next. Rumbidzai Chikono, who worked as a live-out domestic worker, discussed how she imagined deportation as something that would also happen to her even though she had not encountered the police: ‘I know about this [deportation]; it happened to others who did not have papers like me; if this happened to them, it can also happen to me.’ Clearly, the stories of other undocumented migrants who have been arrested and deported were a constant reminder to those that were still un-deported that their time (to be arrested and deported) would also come.

As I mentioned earlier, South African citizens are a significant stakeholder in the deportation regime. However, they hardly play their officially sanctioned role of reporting ‘illegal’ foreigners to state officials (Vigneswaran, 2011); instead, they make the threats of deportation more perceptible through threatening to violently expel foreigners. As Tsitsi Shumba puts this:

With [South Africans], anytime *chinogona kungo colour* (tensions can escalate); they can start saying: ‘We don’t want to see [illegal] foreigners here; they must go back to their country.’ When they start saying that then you know that it is now dangerous; you should be prepared to leave.

Such threats are often an overture for xenophobic violence. The study participants revealed that sometimes citizens circulate the message that ‘we are coming for you’ to foreigners through social media platforms like WhatsApp and Facebook or other media-like flyers. The most recent occurrence took place in early September 2019. Days before the violent attacks on foreigners, Nyevero, one of the people I maintained contact with after I left eMalahleni, forwarded me a message that was circulating on WhatsApp warning of a mass shutdown and calling on South Africans ‘to come together as South Africans with one voice of enough is enough, on selling of drugs, on property theft, and on our work [being] taken by foreign nationals.’ The message concluded with the phrase, ‘South Africa for South Africans. This is not xenophobia but the truth.’ Because of these publicised threats, my interlocutors apprehensively anticipated deportation as an unpredictable, dreaded and inevitable socio-political predicament. The threats worked as a disciplinary instrument that perfectly served to remind them of their unbelonging and that their presence in South Africa will someday be terminated.

For these undocumented migrants, the threat of deportation was tremendously productive in shaping their consciousness of being ‘illegal,’ unwanted and deportable, as the following response shows:

We know that this [being in South Africa as an illegal foreigner] will end one day. [But] you never know *when* you are going to be arrested and deported. My brother, I am not a prophet, but I *know* that one day [we] *will* be chased out of this country.

(Taonga Makombe)

While Taonga’s assertion elicits some degree of certainty over the imminence of undocumented migrants’ expulsion from South Africa, it is also coloured with a lack of certainty over *when* (and *how*) this is likely to happen. Again, given the different actors involved in the deportation regime, the migrants were also uncertain over *who* would cause their expulsion – is it state officials or the generality of South African citizens?

Living in a state of anticipatory preparedness

The temporal paradox of deportability in which undocumented migrants imagined deportation as an inevitable prospect which has no certain time-frame for its actual materialisation thrust some undocumented Zimbabwean migrants into a state of anticipatory preparedness where they lived in anticipation of expulsion. Highlighting this state of anticipatory preparedness, Precious Tirivanhu, a domestic worker in her late thirties, stated that undocumented migrants ‘must be prepared for anything’ as they can be forced out of South Africa any day either through deportation or xenophobic violence. Being ‘prepared for anything’ means being vigilant and calculative of the risks and costs of remaining in South Africa. It is this anticipation and

readiness to leave that invokes the idea of waiting as ‘a sense of anticipatory preparedness – a lying-in-wait-for’ (Bissell, 2007: p. 282). As the migrants wait for arrest and deportation to materialise, they also vigilantly wait for the risks and costs of remaining in South Africa to reach a certain threshold beyond which they see life in South Africa as unbearable; until then, they ‘must be prepared’ to leave.

The inability to accurately map or predict what would likely happen to them as the threat of deportation intensified, pressured some to leave ‘voluntarily.’ For example, Taonga Makombe, who I met in June 2015 after he had been in South Africa as a first-time arrival for 5 months, complained after experiencing the intense policing of migrants during Operation Fiela that: ‘I can’t live like a criminal, always running away from the police; this is not a life at all. I would rather suffer [in Zimbabwe] and enjoy my peace.’ When I returned to eMalahleni in August 2015, I was told that he had indeed ‘packed his bags’ and returned to Zimbabwe. For Taonga, being always on the lookout for the police and unable to know what would happen forced him to ‘choose’ to return to Zimbabwe. Deportability placed Taonga in a state of complete uncertainty, confirming Bourdieu’s (2000: p. 228) observation that absolute power places others ‘in total uncertainty by offering no scope to their capacity to predict.’

For those who remained in South Africa, the constant threats of arrest and deportation, and xenophobic attacks discouraged them from making any durable investments in Elandeni as Beulah’s case aptly demonstrates. When I visited her for the first time in 2015, she took me to her home, a single-roomed shack built on a cement slab with loosely joined and rusty corrugated iron sheets. The gaps in the walls were stuffed with rags to block wind and dust, which made the room poorly lit. Inside was a visibly old double bed on one side of the walls and piled in a corner were two large suitcases. In the opposite side of the bed was the kitchen. Offering me a 20-litre plastic bucket and desperate to make me understand why she was living under such poor conditions, Beulah said:

Your niece has no chair in the house uncle; you have to sit on this bucket. *Tiri vana Mugaradzakasungwa* ([It’s because] we are people who live with bags packed.) We don’t know what can happen, anytime things can escalate and we will be chased out.

I turned the bucket upside down and sat behind the half-opened door.

Living in a scantily furnished house in an informal settlement, with bags packed, demonstrated Beulah’s preparedness to leave, and is an important trope signifying the life of people who, when things escalate, were ever-ready to ‘pick up’ their bags and leave. Beulah did not have many possessions in her house because, due to the threat of expulsion, the possibility of long-term settlement remained uncertain. Having a chair in such circumstances would imply a relaxed lifestyle, which was far from real for her and the other

undocumented migrants. The understanding that at any time they could be forced to leave South Africa forced Beulah to tolerate a life of discomfort. This did not mean she distasted living comfortably; instead, she feared that in the event of deportation, she would lose her property.

Indeed, previous research on the deportation of undocumented migrants from South Africa found that migrants are not usually given the chance to take their possessions during deportation (Human Rights Watch, 2007). The fear of losing possessions during the process of deportation caused Beulah to defer the possibility of a comfortable life to her probable return to Zimbabwe. She saw her present lifestyle of discomfort and squalor in South Africa as temporary. Despite living in an informal settlement and sleeping on a torn old bed, Beulah boasted that in Zimbabwe, she has already built for herself a two-bedroom house furnished with a comfortable bed. She was now saving money to buy sofas to send home. So, the life she lived in Elandeni suited her condition of being deportable and she summed it by saying '*Izvi ndezvekuno*' (This [life of discomfort] is just for the meantime, while we are here.)

Just waiting?

The perceived inevitability of deportation, and fear thereof, created some form of existential hiatus which some of my interlocutors captured in the phrase 'we are [now] just waiting...'. Due to the ever-present threat of deportation that was re-enacted through the everyday practices of migration control, Sam Tizora felt that remaining un-deported 'does not help at all because we are going to be chased out anyway.' Donald Mutsvedu, who was working as a security guard, recounted how the police had intensified migration control in the name of fighting crime and said: 'Now we are *just waiting* to be chased out of the country.' Sam and Donald lived their lives in a narrowly circumscribed present where they lived 'just' waiting for their fate. For them, 'just waiting' was a discursive way of underlining their heightened sense of vulnerability to deportation based on feelings of being unwanted, which strengthened their experiences of deportability.

Donald's statement that 'We are [now] just waiting ...' thus evokes a state of total resignation to fate wherein he was expecting his ultimate deportation while time just passed by. Such form of waiting, as a subjective experience of undocumented migrants' time in South Africa, suggests an interval of suspension or pause in action while waiting for the actual deportation to happen. In other writings on waiting, the time of anticipation is similarly portrayed as 'sitting' and/or 'doing nothing' (Tirado, 2018); or useless, wasted time (Schweizer, 2008). This suggests that the lives of people in waiting are put 'on hold' (Bloch, 2014) – they just (sit and) wait.

However, as Jacobsen and Karlsen highlighted in the introduction to this book, the idea of conceptualising waiting as a temporal disjuncture has some analytical deficits. This is so because, I suggest, beyond the narrative of 'living with our bags packed [and waiting]' and 'just [sitting and] waiting,'

my interlocutors were hardly trapped in a temporal fixity where they just 'sit,' 'do nothing' and wait. The idea of 'just waiting' leaves one wondering what waiting is and uncovers how difficult it is to delimit the temporal boundaries of where waiting begins and ends. Importantly, the assumed empty time of waiting was brimming with activity; the deportable migrants were not in fact 'just [sitting and] waiting.' Rather, they were involved in different activities such as working or looking for work during the week, as well as in various social activities such as attending church services on weekends.

The understanding that anytime one could be arrested and deported, left my interlocutors feeling as if they were living off borrowed time; that they had no more time left to remain in South Africa. This strongly incentivised some of them to maximise their time. They saw the time of their precarious presence as a precious resource that ought to be used productively. Tsitsi Shumba worried about this:

Every day I pray to God that we can be here (in South Africa) for a little longer; my child is still in school in Zimbabwe. How will I pay for his fees if I am deported?

Because of her parental responsibilities, Tsitsi wished her deportation would only happen in the far future. For Tsitsi, the threat of deportation made her treasure her time before the 'inevitable' manifestation of deportation and wished for actual deportation to be delayed. Remaining un-deported prolonged the time to work and be able to accrue more, albeit under uncertain and exploitative conditions. For this reason, Tsitsi prayed thanking God for protection every day when she reached home safely from work without getting into trouble with the police.

While it appears difficult to mark the boundaries between the beginning and ending of waiting, scholars have underscored a common characteristic of waiting; it is an ambivalent time and space, an 'in between' (Sutton et al., 2011). This means that there is always a 'before' and an 'after' in relation to waiting, which implies linear time (waiting for the arrival or fulfilment of the object being waited for). For deportable migrants, their waiting time sits between the time before their potential apprehension and the time after their eventual deportation; hence Donald Mutsvedu's remark that '...we are just waiting to be chased out of the country,' meaning their time of waiting ends with their deportation. While the migrants revealed that those who get deported may be able to re-enter 'illegally,' the costs of re-entry may be so high that it could be delayed as one tries to raise enough money, or completely abandoned if one fails to raise the necessary funds.

Turner (1983: p. 308) hypothesised that prolonged experiences of waiting 'lead to a declining sense of urgency and correspondingly reduced vigilance and preparedness.' This hypothesis predicts no loss of conviction that the object being waited for would eventually come; instead, people just become less vigilant. This is also true for some undocumented migrants who had

lived in a palpable sense of deportability for a long time; their fear that is incited by the threat of deportation had reached a point of saturation, and as such, they cared less about the possibility of deportation. In fact, many had mastered the art of avoiding detection and arrest. Sthabile Mnyulwa, who had been in South Africa since 2005, said she was now less afraid of the police because she could mask her foreignness and ‘illegality.’ ‘I’m not afraid of them anymore,’ she told me. ‘I now speak Zulu fluently and if they stop me, they will think I am a South African.’ Indeed, I met some undocumented Zimbabweans whom, before I was told were Zimbabweans, I had initially mistaken them for South African citizens.

Temporal irregularity and uncertainty in everyday life

So far, I noted that undocumented migrants’ experiences of deportability lacked a fixed temporal specificity, which is a specific timeframe or precise deadline as a promise for the actual materialisation of the event being waited for – arrest and deportation. Rather, deportability subjected the migrants to a state of indefinite waiting; it could either be very long, or there could be a sudden dramatic end to one’s time of being present in South Africa. The ever-present threat of deportation and migrants’ inability to predict when arrest and deportation would materialise made such waiting a period of uncertainty as attested by Rumbidzai Chikono: ‘Sometimes you go to work, but you don’t know whether you will come back or not. You can be arrested anytime.’ Migration control practices made life for many undocumented migrants a game of hide-and-seek with the police, in which the stakes were high. Arrest could result in deportation or extortion of money.

The urgency to want to make the best of their time in South Africa compelled many to work as hard and as long as possible no matter the conditions of employment; some even doing multiple jobs. Oliver Chiororo, James Mago and Toby Murazvo all had incredibly difficult work arrangements, working double shifts each day. At night they worked as security guards and during the day they worked as ‘*contracas*’ (contract workers) in construction. For these men, their daily routines of work and home time were not as rigid as other people, who moved regularly from their homes to the workplaces and back. Instead, they juggled between different jobs every day with little or no time to rest because, according to Oliver, they had ‘no time to waste.’

Sometimes unpredictable encounters with migration control completely disrupted the socio-temporal order in undocumented migrants’ daily lives; they would fail to do what they expected within certain temporal boundaries. For example, David Gomo and Temba Mhuru, who worked for a subcontracted construction company, were unexpectedly stopped on their way to work by police officer, who then demanded their passports, which they did not possess; neither did they have money to bribe the officers for their freedom. The police consequently locked them in the back of the police van and drove with them around eMalahleni. When the police officers finally stopped,

the two men pleaded to be released. The police released them, but not before taking, or in the words of David, 'wasting' a greater part of their time.

Vigneswaran et al. (2010), writing on the informal migration control practices by the police in South Africa, note that not all encounters between undocumented migrants and the police resulted in the arrest of the undocumented migrants. The police regularly bend the immigration laws in their own favour, but also often do so to benefit the undocumented migrants who may escape arrest if they were sufficiently 'congenial,' 'respectful' or 'obedient' (Ibid). David and Temba were expecting to get to their workplace by half past seven in the morning, but they arrived very late that day after their close brush with migration control.

The threat and fear of deportation resulted in some undocumented Zimbabwean migrants redefining the meaning of work. They ceased to solely see work as a vehicle for goal attainment. Despite the possibility of workplace raids, some migrants saw work or being in a work environment as a shield against possible encounters with the police. Those who were not working and spent much of their daytime in Elandeni felt caged and vulnerable to police arrest. When Rutendo Mutero first came to South Africa, she had no intentions of doing wage-work because her husband was working and providing for the family. She was doing the unpaid childcare at home. However, some time in 2015, the police raided Elandeni searching for 'illegal' foreigners. Rutendo was arrested while sitting outside her home and she spent 12 days in police custody with her toddler. She went to court and was fined R500 (approximately US\$40). She was then ordered to leave the country. After her release, however, Rutendo immediately began looking for a job as a live-out domestic worker. That was so because she felt it was safer to spend the day working in someone's house than being in Elandeni. For her, working was just a way of keeping herself away from the menacing presence of the police in Elandeni. In much the same way as Willen (2007) analysed how migrants' homes in Tel Aviv lost their role as safe havens during Israel's deportation campaign in mid-2002, Rutendo's story indicates the penetrability of 'illegality' in the home and the porousness of the home to immigration enforcement. Other undocumented migrants shared Rutendo's sentiments that it was safer to spend the day at work and come home in the evening as the police conducted most of their operations during the day when most people were at work.

Conclusion

This chapter examined the effect of migration control in South Africa on undocumented migrants' sense and use of time. I argued that migration control, by subjecting undocumented migrants to the threat/possibility of deportation, drives them into a state of temporal irregularity in which they remain uncertain about the exact temporal juncture at which they will face arrest and deportation. The threat of arrest and deportation continuously

reminds undocumented migrants that their time in South Africa is in fact ephemeral and could be terminated any day. This evokes a temporal experience in which the undocumented migrants anxiously anticipate arrest and deportation as an inevitable prospect. I framed this as an experience of waiting. The concept of temporal irregularity is deployed in this chapter to analyse how the arbitrariness of migration control disrupts the socio-temporal order in the lives of undocumented migrants. Here I followed Zerubavel (1981), who argued that temporal irregularity contributes to the development of a strong sense of uncertainty.

Temporal irregularity in the lives of undocumented migrants is primarily a result of the contradictions in South Africa's migration policy formulation and policy implementation regarding the effectiveness of a control-oriented approach in solving the 'problem' of 'illegal' migration. This has opened gaps for opportunism and invention particularly among the lower and local level state functionaries like the police. What this means is that immigration law enforcement is left to the discretion of the officials on the ground. Oftentimes, the police officials bent the laws in their favour for their own personal gain (Vigneswaran et al., 2010). The situation is made worse by the fact that South African citizens are also a powerful stakeholder with informal deporting powers to enforce migration control. This leaves undocumented migrants more vulnerable to abuse and creates a lot more uncertainty in their encounters with the regime of migration control. Because the threat of expulsion is constantly re-enacted in their lives, either through the threats of arrest and deportation by the police or threats of violent expulsion by the citizens, the undocumented migrants cannot determine with certainty what will likely happen to them within certain temporal boundaries, or how long they will likely remain in South Africa. This temporal uncertainty adversely affects their everyday lives to the extent that most of them live with a sense of anticipatory preparedness (waiting) for their ultimate fate.

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Note

- 1 I use pseudonyms for all the names of places and participants, except for eMalahleni, which is the study area.

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7 Waiting out the condition of illegality in Norway

Marry-Anne Karlsen

Introduction

‘I give it one more year,’ Aziza¹ said resolutely. ‘If nothing changes, I’ll go to the police and tell them they can send me wherever they want to. I don’t care.’ We were just leaving Stella, the Red Cross Women’s Centre in Oslo where we had met for a coffee and a catching up chat a cold November day in 2012. Aziza had applied for asylum 4 years earlier and had remained when her application was denied. The week before our coffee chat, Aziza had been notified by the Directorate of Immigration that she would be formally expelled with a 5-year re-entry ban due to violation of the immigration regulations. When I had met her briefly a couple of days earlier, Aziza having just received the letter was shocked, not knowing what to do. To Aziza, the expulsion letter was not only a severe setback to her hopes of regularisation but also to her attempts to expand her family. During her time in Norway, Aziza, who was in her late 30s, had married and they were trying to have a child. Although her husband had permanent residency in Norway, their religious marriage was not recognised by the Norwegian state due to her lack of legal status.

This was not the first time Aziza had mentioned her plan of giving it one more year. Exactly what she would do in a year’s time was unclear. She could try to apply for asylum in another European country but knew this would probably be futile due to what she called ‘the fingerprint system,’ that is the Dublin agreement. This is an agreement that determines which European country is responsible for processing an asylum application. If returned to Ethiopia where she was born, she could perhaps apply for family reunification, she mused. However, the 5-year re-entry ban complicated this. Could she ask her husband to wait that long? Aziza realised that her plans had problems. As she put it, ‘I know that it’s *veery* hard. But I don’t have any options at this stage. Because if you are living illegally, the more you stay illegally, the more you become illegal. This stresses me even more.’ However, when I returned to Oslo in the autumn of 2017 for a new period of fieldwork, Aziza was still living in Norway – illegally.

The presence of irregular migrants such as Aziza, who remain for years despite harsh living conditions and formal membership being denied,

remains a conundrum for policy-makers in many destination countries, including Norway (Van Houte & Leerkes, 2019). Since 2004, Norway has increasingly limited irregular migrants' access to welfare services and work, making the living situation for irregular migrants more precarious (Karlsen, forthcoming). These restrictive policies are largely informed by an assumption that the lack of such benefits and opportunities will form a disincentive to coming or remaining in the country illegally. As such, they rest on a rational choice model of human agency, seeing migrants as strategic agents whose decisions are driven by basic calculations of push and pull factors. This model has, for good reasons, been criticised for being overly simplistic, and for putting too little emphasis on the ways in which migrants act within complex social relationships (Carling & Collins, 2018).

In this chapter, I will explore what it means to endure or 'wait out' the condition of illegality in Norway. Illegality is here understood as a historically specific, socially, politically and legally produced condition (De Genova, 2002), which profoundly affects migrants' social relations as well as mode of being in the world (Willen, 2007). Scholars have particularly highlighted how the persistent possibility of deportation shape existence under this condition, rendering life both more unpredictable and exploitable (De Genova, 2002; Machinya, 2020).

The notion of endurance or 'waiting out' can be understood as a particular way of inhabiting the temporal category of waiting. One waits to see what happens or for something bad to end, rather than waiting in anticipation of a specific future event (Hage, 2009). The emphasis is on living through the present conditions. Scholars have importantly drawn attention to the ambivalent nature of endurance. It can be approached both as a governmental tool that encourages self-control in times of prolonged crisis and as affects and practices that allow people to persevere under unfavourable conditions. Through these practices and affects new forms of life can emerge (Povinelli, 2011). It is this ambivalence between subjugation and potentiality, I suggest, that makes endurance a productive lens for analysing people's attachments to an undesirable present. Exploring this ambivalence, I will in the following examine the social, affective and temporal dynamics of 'waiting out' illegality in Norway. What practices and affects of endurance emerged under this condition? How did 'waiting out' work as a mode of governing? I will also unpack how this mode of waiting was entangled with a sense of spatio-temporal entrapment and the more hopeful form of 'waiting for.'

Fieldwork

The chapter builds on two extended periods of ethnographic fieldwork. The first was conducted at various lengths and intensities between October 2011 and October 2013 in Bergen and Oslo, the two largest cities in Norway, as part of an interdisciplinary project on the provision of welfare to irregular migrants. The second consisted of 5 months of intensive fieldwork in

Oslo in the autumn of 2017, as part of a larger project on the temporalities of irregular migration. Contact with irregularised migrants were made in various ways during both fieldwork periods: Through the healthcare centre for undocumented migrants in Oslo, through non-governmental organisations (NGOs) and activists, gatekeepers in ethnic communities and at public events organised for and by irregular migrants. During the fieldwork in 2017, I also spent time with an organisation called People in Limbo (*Mennesker i Limbo*). This was an organisation for and by ‘long-staying undocumented migrants’,² which organised a mixture of political and social activities. The organisation was initiated in Oslo in 2016 with the support of the healthcare centre for undocumented migrants and the Church Outreach mission. Branches have since been established in several cities in Norway.

My analysis in this chapter draws specifically on my encounters with women from East Africa and the Middle East, who had stayed between 5 and 20 years in Norway after their application for asylum was rejected. In the Norwegian public debate, rejected asylum seekers who remain for years without state authorisation are often labelled, and label themselves, as ‘long-staying’ (*lengeverende*) asylum seekers/undocumented migrants or ‘unreturnable’ (*ureturnerbare*). Norwegian Association for Asylum Seekers (NOAS) defines children who have stayed in Norway for more than 3 years and adults who have stayed for more than 5 years as ‘long-stayers.’³ ‘Unreturnable’ refers generally to people who are difficult to deport, either due to lack of identity papers, lack of return agreements or political reluctance and unstable conditions in their countries of origin. Although the term has gained some acceptance politically, and within the bureaucracy (e.g. the Granavolden platform⁴), the position of Norwegian authorities has mainly been that no one is ‘unreturnable’; there are only ‘return refusers’ (*returnektere*) (Lønseth, 2011). A key issue at stake in these different labels is who is to be held morally responsible for the current impasse – the migrants themselves or the state that fails to deport them (Karlsen, 2017).

Not all my interlocutors were difficult to deport. State efforts to secure new return agreements importantly changed the situations for some over time. For example, rejected asylum seekers from Ethiopia constituted one of the main groups of those considered ‘unreturnable’ during my first period of fieldwork. However, changes in the return agreement in 2017 and 2019 made it easier for the state to carry out deportation to Ethiopia. In the following, I will refer to my interlocutors as ‘long-stayers’ due to the temporal focus of this chapter but also because of this label’s centrality to how my interlocutors conceived of themselves.

Spatio-temporal entrapment

Endurance generally emerges in situations where someone else is calling the shots, or when something compels one to stay on and keep trying (Frosh, 2015). As such, it can appear to be a default outcome or response to what

Hage (2009) has conceptualised as ‘stuckedness’ or existential immobility. Based on his work among Lebanese migrants and white racists in Australia, Hage (2009) suggests that some form of imaginary mobility, a sense that one is going somewhere in one’s life, is essential for a liveable life. ‘Stuckedness’ thus refers to a specific form of waiting that emphasises a limit to future-oriented actions (Straughan et al., 2020). Scholars observing an increasing disconnect between conditions and aspirations presented by contemporary capitalism in a variety of contexts have further suggested that migration is increasingly positioned as a spatial answer to an inability to experience progress in time (Ferguson, 2006; Mains, 2007). However, as migration control intensifies, leading to fewer legal possibilities for settlement and increasing the cost of renewed mobility, migration may be the cause of renewed stuckedness in destination countries (Pettit & Ruijtenberg, 2019). I suggest that to understand how endurance emerged among my interlocutors as a way of orienting oneself temporally, it is necessary to appreciate how the condition of illegality was experienced as a form of spatio-temporal entrapment.

Reflections on stuckedness were recurrent throughout my interactions and conversations with various long-stayers in Norway. As Aziza, for example, would put it when we discussed her situation in 2017: ‘The years are running, but you are in the same place. You don’t study. You don’t work.’ Overall, she and my other interlocutors tended to foreground a sense of waiting that was all encompassing and disempowering, but which also reflected a normative valuation of a linear and progressive forward movement in time as a condition for ‘good lives.’ This points to how the sense of ‘stuckedness’ reflect specific temporal norms regarding what makes life meaningful and valuable.

Scholars of social time relate a future-oriented temporality to the institutionalisation of chronological time, and the onset and global spread of capitalist modernity (Adam, 2003; Jeffrey, 2010). This, they suggest, has provided powerful temporal templates for how social lives should be mapped onto abstract units of time such as days, weeks, months, years and decades. The notion of life course provides, for example, not only gendered expectations about when and in what sequence in one’s life course one should study, work, marry, etc., it also produces measures from which one can evaluate one’s progression and productivity. Linear time and the associated notion of progress and productivity that ascribes monetary value to time further produces a temporal hierarchy that distinguishes between those who are investing time/losing time or spending meaningful time/empty time (Lahad, 2017). In this context, waiting carries pejorative connotations, and is associated with wasted time and wasted lives. Scholars have noted how modern temporal templates continue to have normative force even though neoliberal policies and increased precarisation of work life have eroded the possibilities for progressive linear life courses for an increasing number of people all over the world (Kleist & Jansen, 2016). This may be particularly so when one owns existential immobility is contrasted to others who are still seen to move ahead in a linear progressive fashion (Lahad, 2017).

A central challenge for Aziza and other living in a condition of illegality in Norway was that there was no obvious pathway to regularisation, nor a spatial way out of their current impasse. The sense of not being able to move forward in life was thus closely connected to a sense of spatial entrapment. As Aziza put it in the same conversation:

It is very difficult to keep waiting. But we have no choice. Some people try to go other places. But there is the problem, you know, with fingerprints. They try to go somewhere else, and they are still in the same situation [i.e. without legal status].

Similarly, Adila, an elderly woman from the Middle East and one of my regular interlocutors during my fieldwork in 2017, would whenever I met her start exclaiming ‘where to go, where to go?’ I learned quickly that it was not a question she expected me to answer, but a way of expressing the pervasiveness of the spatial and temporal entrapment she experienced and the ways it provoked distress. The question was the one she was thinking about ‘all the time,’ ‘every day and night.’

Adila had at one time tried to go to Sweden but had been deported back to Norway under the Dublin regulation. Adila was not the only long-stayer whom I met who had tried to go to another European country. While some would continue to move between different European countries, others had, like Aziza, contemplated re-migrating at an early stage, but had over the years abandoned such plans as they learned of the challenges others had faced. My interlocutors did not conceive of return to their country of origin as a viable option, and expressed many different and individual mixtures of reasons for why return was experienced as impossible. Some maintained strongly that a return would be dangerous; others had families, including children with Norwegian citizenship that they did not want to leave behind. Others again had applied and been denied assisted return with the International Organisation for Migration (IOM).⁵ Additionally, the investment and risk they had taken to migrate, and the years spent waiting, made contemplating return even more difficult. As Aziza explained it: ‘We don’t have any future. Because we are not developing, we are not learning. And even if you go back to your country after 20 years, you will need everything. Your age, your ability to work, everything has changed. Even the culture isn’t yours anymore. It’s not so easy.’

In addition to being stuck, limbo, imprisonment and entrapment were metaphors used by my interlocutors to articulate an experience of waiting as imposed spatial and temporal immobility.⁶ The sense of entrapment was also conveyed in the logo of the organisation: *People in Limbo*. When I started my fieldwork in 2017, they used as logo an image of people trapped in a bottle, with the bottleneck being marked with one-way street signs indicating one could go in, but not out. Worried that the image of the bottle could be misunderstood as referring to alcoholism, they changed it to an image of a crouched person inside a locked padlock.

Waiting for and waiting out

So, how does one, in such situations when spatial mobility no longer represents a way out of stuckedness, plot a movement from the present to an imagined and desired future? Is it at all possible? Within anthropology, the concept of social navigation has gained traction as a tool to address how people act in difficult or uncertain circumstances. Social navigation encompasses, according to Vigh, 'both the assessment of the dangers and possibilities of one's present position as well as the process of plotting and attempting to actualise routes into an uncertain and changeable future.' The concept of navigation thus designates a 'movement through both the socially *immediate* and the socially *imagined*' (Vigh, 2009: p. 425). However, stressing how social navigation is always contingent on power relations, Ramsay contends that not all situations are navigable. Non-navigable situations are those, she argues, where 'the possibility of a self-directed future is constrained by external forces' (Ramsay, 2019: p. 4). The condition of migrant illegality can be conceptualised as such a non-navigable situation, where the future is not only uncertain, but is determined by forces that are outside of one's direct control. Yet, endurance or 'waiting out the crisis' could also be conceptualised as a form of 'social navigation,' where the emphasis is on living through the present conditions rather than moving forward.

My material indicates, however, that 'waiting for' and 'waiting out' are not necessarily a simple binary but a constant and often simultaneous orientation. My interlocutors would, for example, respond differently in the same conversation to questions regarding the future depending on how I framed the questions. If I asked how they saw their future, the most common answer was that the future was 'black,' indicating an enforced presentism in which it was impossible to envision a future. As Nala, a woman in her twenties from Ethiopia put it: 'When you have things in place you can think about the future. Right here and now, when you have nothing, you can't think of the future.' Aziza also stressed that thinking about the future made her sick. Headaches, stress, sleeplessness and depression, health problems that were largely attributed to their difficult life situation were common among my interlocutors.

When I asked my interlocutors what they would do if they got residency, they would often elaborate quite detailed plans or desires (what they would like to study or the type of work they wanted, even where in the city they would like to live), thus expressing a clear vision of how they hoped a future life in Norway would be. This difference, I suggest, highlights the tension between desired futures and present possibilities of realising it but also how waiting in the context of migrant illegality in Norway is ambiguous in its relation to the present and the future. For while the future was unimaginable, the present was made uninhabitable by the intensification of exclusionary practices towards irregularised migrants (Karlsen, forthcoming). For my interlocutors there was thus a constant oscillation, or even blurriness, between

waiting for regularisation or deportation and waiting out the condition of illegality. This included a continuous engagement and disengagement with the system of applying for asylum, between trying to find a way to live with the present and trying to realise the desired future by becoming regularised.

In the Norwegian system, the UDI (Directorate of Immigration) makes the initial decision in asylum cases. In case the UDI rejects an application, it can be appealed to the independent Immigration Appeals Board (UNE). If UNE rejects the appeal, it is referred to as ‘the final decision.’ If the rejected asylum seeker does not leave before the departure date set for him/her, his/her stay is generally no longer considered legal. However, rejected asylum seekers can continue to request a reversal (*omgjøringsbegjæring*) from UNE. To reverse the decision, UNE requires new pertinent information or new documentation regarding one’s case, or that one’s situation has changed significantly (e.g. that you have become seriously ill). However, the threshold for UNE to reverse a case is high. Length of time in Norway is on the balance counted negatively. There is also the option to bring the case before the courts. This can be both a lengthy process and quite costly as one would have to pay for the lawyer and risk being accountable for the state’s costs. A few organisations provide free legal aid, most importantly NOAS.

All my long-staying interlocutors had requested a reversal more than twice, sometimes with the assistance of NOAS, by hiring a private lawyer, or simply writing a letter on their own. Some of my interlocutors seemed relentless in their determination to retry their cases, starting preparation (gathering documents, saving money for lawyers) for a new appeal or a court case as soon as they received the rejection. Others expressed resignation and lack of faith in the system but would still apply at times. For all, appealing marked a renewed intensity of waiting, producing both heightened anticipation and hope, but also stress, anxiety and fear, before yet another crushing disappointment. As Liya, who had stayed for more than 10 years and applied several times, put it when I asked if she would try again, ‘I go crazy if I get one more rejection!’ So, why do rejected asylum seekers continue to appeal their case?

Technologies of patience

‘The government gives us two and a half options,’ Aziza explained to me one autumn day in 2017 while we were walking towards the mosque so she could pray. Aziza had just been to see her lawyer to discuss the possibility of bringing her case to the court, but they had decided it was ‘not the right time.’ In her words, the first option was to be sent out of Norway to an unknown fate. The other was ‘a bit of bread and a place to stay.’ The latter was a reference to the government’s offer to accommodate rejected asylum seekers in asylum reception centres.⁷ According to Aziza, most people choose this option. The half option, she explained, was the hope that the politics

would change so that they could stay. ‘Together, the second and the half option destroy people’s life,’ she concluded.

A few weeks later, sitting in a café at the Oslo Central Station, I prodded Aziza further on what waiting meant to her. I had heard her previously joking with a friend in a similar situation about how they were ‘learning to wait’ in Norway. I asked whether she had experienced the same sense of waiting during the 10 years she worked and lived without a legal status in the Middle East, before coming to Norway. ‘It was worse there,’ she started explaining – ‘physically.’ She described how she could not talk or move around freely, how she was at the mercy of her employers. In Norway, though, it was not physical hardship and constraints, but ‘mental torture’ that was the main challenge. ‘There you knew already that you didn’t have any rights. But you had a plan,’ she explained further. ‘You still had hope that you could leave the country. But this [Norway] is a democratic country. You don’t want to leave without hope.’ In the end, she concluded: ‘You know why we are waiting here so long? Because we know this is a democratic country. Tomorrow something can happen.’

Hernandez-Carretero (2016), in her study of Senegalese migration to Spain, found that the interplay between hope and uncertainty affected migrants’ willingness to take chances. While her interlocutors communicated a sense of positive anticipation when recounting their initial decision to migrate, they stressed concerns about preparedness, failure and shame when discussing return. Hernandez-Carretero thus suggests that the contrast in migrants’ attitudes to uncertainties upon emigration and return lies in hope’s power to mediate uncertainty. Aziza’s response to my questions resonates to some extent with this point, but her answers also draw attention to the enduring affective power of the liberal societies’ promise of future possibilities and progress. Waiting for regularisation or ‘politics to change’ names in this sense a cruel attachment to a compromised condition of possibility (Berlant, 2011: p. 24).

Cruel optimism is, according to Lauren Berlant (2011: p. 28), a technology of patience that enables a concept of the *later* to suspend questions about the cruelty of the *now*. The concept allowed Berlant to explain how liberal societies maintain their legitimacy despite the capitalist destruction of life. What makes an optimistic attachment cruel, according to Berlant, is not only that the object of desire is itself a threat to one’s well-being, but that ‘its life-organizing status can trump interfering with the damage it provokes’ (Berlant, 2011: p. 227). Hence, for people who lack control over the material conditions of their lives, the fantasy of the normative good life may be what makes life bearable.

In the context of migrant illegality, the concept of cruel optimism provides a vantage point for inspecting migrants’ continuing affective investment in the promise of asylum and citizenship, despite the fact that the nation-state system actually produces their illegality. Waiting for regularisation can, for example, work as a technique of governing by temporally ‘bracketing’

present harm through the promise of a future residency permit, as argued by Drangslund (2019). Analysing an offer of possible regularisation that the Hamburg Government presented to a group of 350 West-African migrants in 2013, she showed how the offer made waiting appear as a redemptive state. In the case of my interlocutors, the redemptive promise of future residency was more ambiguous as there was no specific offer of regularisation. Although the asylum system continued importantly to shape their future horizon, I suggest that it was a combination of ‘waiting for’ and ‘waiting out’ that together formed a continuing imperative to stay. As technologies of patience, they differ slightly from each other.

Unlike the German Government, which has opened various pathways to regularisation for tolerated migrants due to criteria of economic self-sufficiency and language skills (Drangslund, 2020), shifting Norwegian governments have insisted that ‘return,’ assisted or forced, should be the primary pathway out of illegality. Norway’s deportation rates have, in consequence, been among the highest in Europe (Van Houte & Leerkes, 2019). Yet, despite a political consensus concerning this exclusionary approach, smaller humanitarian mechanisms and programs have been implemented in response to public concern, primarily regarding so-called long-staying asylum children.⁸ For adults there were, as already mentioned, the continuous possibility to request a reversal from the appeal board (UNE) or to take the case to court. Even though only few cases are reversed, such exceptions continue to foster a certain hope of regularisation despite this not being a reliable pathway for most. To paraphrase Povinelli (2011: p. 190), the ‘incitement to wait, to be patient, to bracket harm until the impasse has been resolved’ was still key to how power worked in this case. Among my interlocutors, there were different ways of making sense of the system. One way was to see it as an unpredictable lottery. While this fed into a sense of unfairness, it still incited people to keep trying. The other way emphasised the need to work hard on your case, gathering the right documents and contacts. In either case, the continued promise of regularisation as the route to ‘the good life’ served to individualise and internalise a mode of governing the self into waiting orderly. The continuous engagement with the system required significant investment in terms of affect but also time and money. It also continued to re-affirm the authority of the state to decide on their status.

‘Waiting out’ as a mode of governing the self, works by valorising the ability to suffer and yet persist. With reference to neoliberal Australia, Hage (2009) suggests that a particular celebration of the heroism of being stuck has given rise to a deeper form of governmentality, in which a capacity to stick it out and ‘get stuck well’ becomes a marker of good citizenship. This is, for example, seen, he suggests, in the vilification of those who do not wait well, such as the ‘queue jumping’ irregular migrant.

Various scholars have noted how irregular migrants in their regularisation efforts have drawn on notions of good citizenship to claim belonging (Anderson et al., 2011, Bendixsen, 2013). However, there is generally little

heroism associated with waiting out the condition of illegality. In some countries, social participation over time can create grounds for legalisation as proof of attachment and deservingness (Chauvin & Garcés-Mascreñas, 2012). Yet, in most cases it simply works to document lengthy breach of immigration law, thus making it a more serious offence in the view of the immigration authorities. As Aziza put it earlier: ‘If you are living illegally, the more you stay illegally, the more you become illegal.’ Still, I suggest that endurance even in the context of migrant illegality denotes a mode of governing the self through its emphasis on coping under, rather than changing, the existing order. It is to the ambivalence between subjugation and potentiality in ‘waiting out’ that I will turn to now.

Surviving in the impasse of the present

In sporadic conversations over the years, I had noticed how Aziza’s determination to leave after a year kept being postponed until it completely faded. Instead, she started increasingly to bring up in our conversations how she tried to learn to be content with what she had, and not stress too much about her lack of legal status and what would happen in the future. As she put it in a conversation in 2017: ‘Me and my husband have discussed it, and lately we have decided that we could live like this, even though I don’t get residency.’ Another time she elaborated:

I’m lucky. I have a husband. I know where I live, even though I can’t contribute economically. (...) If I cannot do anything with my legal situation, I must accept these things. I cannot study, I cannot work, I cannot travel, but I must accept what I have in my hands now. That is why I try every day to be active.

Aziza and her husband had not been able to have a child, but after years of economic difficulties, her husband had obtained stable and decent employment and they had been able to move into a larger and nicer apartment. Aziza who could not work legally, had involved herself in diverse forms of volunteer work as a way of keeping herself active.

Aziza did not completely abandon attempts to get regularised, but there was, as the quotes indicate, a slight shift of emphasis towards finding ways to endure. She was not alone in this reorientation. During my time in the field, I observed the emergence of a determined effort among my interlocutors and their supporters to find ways and techniques to cope with the insecurity and stress of being an irregularised migrant, to find meaning in their present lives even if they could not get regularised. In 2012, when I first started doing fieldwork in Oslo, the volunteer-run healthcare centre for undocumented migrants had operated for 2 years. One of the central challenges they experienced when providing healthcare to this group was that the cause and cure for the patients’ ill health was not necessarily found within the traditional

biomedical perspective (Karlsen, forthcoming; Ottesen et al., 2015). For example, a certain level of stability is usually understood as a professional and ethical requirement for initiating trauma treatment. However, this stability is difficult to achieve when faced with irregular migrants whose continuous life crisis is a consequence of a deliberate policy of exclusion.

In the period from 2011 to 2014, the healthcare centre initiated a pilot project with group consultations that attempted to develop appropriate techniques for the stabilisation of trauma symptoms and the management of daily stress for their patient group (Mburu et al., 2015). As part of their psychosocial strategy, the centre also started facilitating venues for socialising and mutual support, and offered some of their regular patients the opportunity to work as volunteers at the healthcare centre, either as community workers who would welcome and provide newcomers with information while they were waiting for their appointment, or by making food to the volunteer healthcare providers. They also reached out to other organisations to facilitate more opportunities for volunteer work.

The aim of these initiatives was to create meaningful and routine activities as a tool for irregular migrants to deal with the daily stress of illegality. In this sense, they were designed to address what was seen as the challenge of an excess of time. By being formally excluded from institutions such as work and education, the condition of illegality was often experienced as a form of enforced idleness. As Janet, a Ugandan woman who had lived in Norway for 10 years, expressed it, 'After all I've been through, waiting here is the hardest thing. For me, a hard-working girl, I never sat still in my life.' Awate, originally from Eritrea, made similar remarks, 'We are not beggars. (...) If we are not sick, we work. Hard work is in our culture.' Scholars have pointed out that such statements must not be understood just as conveying an aspect of their identities but also as challenging the discursively and institutionally produced positionality of the 'unproductive Other' (Haas, 2012: p. 253, Bendixsen, 2013). As normative judgments are attached to how people spend their time, the challenge of too much time was not only that it made it difficult to escape pervasive and distressful thoughts, but that it was also in itself felt as a source of shame. This points to how a temporal hierarchy of moral worth, in which unequal relationships to time signal differences in status and privilege (Sharma, 2014), is internalised. When time becomes a question of vice (wasting time, passivity) or virtue (patience, keeping active), waiting becomes an action that may be done well or badly.

The healthcare centre's initiatives to create regular activities resemble what Feldman (2015) describes as humanitarian 'endurance projects.' Working in Palestinian refugee camps, she uses the term to describe a range of interventions that were aimed at helping people in the camps live better with circumstances they cannot change. These projects, she argues, make the claim that there is value to Palestinian lives even if they can never be improved. This claim, however, made such projects in part contentious, as they do not 'challenge the deep inequality of lives' (Feldman, 2015: p. 430).

They do not resolve the fundamental problem, but ‘put the question of how to live a better way, even when one cannot live a better life, at the core of their concerns’ (Feldman, 2015: p. 431). According to Feldman, endurance projects are dogged by a sense of failure: ‘The very fact that endurance may be the only option available to people indicates a failure of other (more active, more strategic, even more revolutionary) pathways’ (Feldman, 2015: p. 435).

In my field, the various initiatives of the healthcare centre seemed to have had a clear positive impact on my interlocutors who had been involved. In addition to how the activities served to distract them from their problems, Aziza and others who volunteered emphasised that they experienced increased self-worth. Yet, as endurance projects, they kept being dogged by the future horizon being restricted. While the initiatives served to organise and regulate thoughts and activities, they did not necessarily create a temporal horizon that would give the wait meaning. Aziza would, for example, continue intermittently to express a sense of overwhelming stuckness, as in this quote from the same conversation in 2017, in which she expressed a determination to focus on what she ‘had in her hands now’: ‘I cannot do anything for myself. Of course, I can do something, so I don’t feel stressed. I can do voluntary work with different organisations. These things help me. But you do not know what is happening tomorrow.’ Later she added, ‘You always think: What happens tomorrow? What can I do for the future?’ This suggests that, as argued by Brux et al. (2019: p. 1454), it is not necessarily enough to participate in a socially validated, chronological and sequential everyday time without the ability to emplot this and render it meaningful within a comprehensible biographical and social narrative.

Aziza’s resolution to focus on the positive sides of her life, of her present, would also frequently be derailed, such as when she learned that someone she knew had been deported to Ethiopia. ‘I have my suitcases ready,’ she told me shortly after the deportation of her acquaintance. ‘Well, they are not exactly packed,’ she corrected, ‘but I have made a mental plan and have sorted my things, so that I can easily put them in my suitcases if they come for me.’ The endurance projects were as such also dogged by the government’s policy of actively making the present uninhabitable for irregular migrants, both through the ‘spectacle of deportation’ (De Genova, 2013; Machinya, 2020), and by restricting access to healthcare and work.

The latter was something People in Limbo tried to address at different levels. While the healthcare centre’s psychosocial initiatives were mainly individual endurance projects, People in Limbo engaged in what can be described as a more collective endurance project. Regularisation remained a key objective for the organisation, but most of their political efforts were directed at the right to healthcare and the right to work without legal status. This was mainly a strategic decision, as these claims were seen as more feasible in the Norwegian political climate. The decision was also related to the significant experience of some of their members, including Liya, that

the uncertainty regarding the possibility to remain was increasingly intertwined with an uncertainty regarding the possibility of gaining access to material resources, such as food, housing and medical services.

Liya was one of several rejected asylum seekers who previously had regular and stable employment of which they paid tax. In 2000, the Immigration Act and associated regulations explicitly allowed rejected asylum seekers to be granted temporary work permits until deportation or assisted return could be effectuated. The practice of granting work permits was cancelled through a circular issued by the directorate of immigration in 2003. Tax cards were, however, issued automatically to previous tax cardholders until 2010, when a clean-up in the tax administration put a stop to the practice. The change in work permit policy and practice was part of the larger attempted clampdown on irregular migration. While there is little indication that this policy change had the intended effect, it clearly aggravated the situation for people like Liya, making their lives more precarious. Many found it difficult to find work without a tax card and were largely left to rely on help from friends or family or move back into the asylum reception centre.

People in Limbo's efforts went beyond simply campaigning politically for the right to work. Two of the main activities carried out during their weekly meetings consisted in making a sort of identity cards for new members and registering them for a staffing agency for rejected asylum seekers. PLOG AS, the staffing agency, was initiated by the Norwegian Arne Viste in 2015. Viste's aim was to be prosecuted so he could test whether denying rejected asylum seekers work permits contradicted the Norwegian constitution. PLOG would collect fees from companies that used the employees' services and pay salaries to the workers after withholding tax duties, as required under Norwegian law. The aim of this mechanism was to shield both the companies PLOG cooperated with and the migrants they employed from legal repercussions. Everything though was done openly and PLOG would regularly update authorities and report the activities to the police. As the police was reluctant to prosecute, PLOG kept challenging bureaucratic structures that ignored the existence of rejected asylum seekers by consistently trying to pay taxes.

Between 2015 and 2019, PLOG issued approximately 700 'work permits,' referring to the Norwegian Constitution and the Human Rights Act.⁹ Rejected asylum seekers were encouraged to bring this 'permit' to the places they were seeking work. While the 'work permits' had no legal validity, the arrangement PLOG offered encouraged some employers, who would not otherwise have done so, to hire rejected asylum seekers. In other cases, it helped workers who were already employed informally to negotiate more stable work arrangements and better pay. A total of 70 migrants were at one point hired through PLOG. For some, it amounted to stable employment over time. For others, the work was only a few hours for a short period. Yet, the work represented a value that went beyond the economic gain. For example, I asked Liya whether the few hours she was employed through

PLOG were worth it. Rather than emphasising the economic side of it, she answered: ‘At least it is a few hours I don’t sit at home watching films.’ Others expressed that it gave them a sense of dignity.

Beyond the individual level, the initiative gave People in Limbo a collective purpose. People who were not necessarily employed through the agency provided support by recruiting and registering potential workers. While Viste’s pursuit of a court case produced a sense of movement and hope for change, the more mundane activities People in Limbo and PLOG engaged in gave a sense of purpose in the present. Moreover, the activities afforded to some extent, I suggest, the opportunity to build networks and exist in ways different from those prescribed by the state. ‘Waiting out’ or enduring the condition of illegality could in this sense be seen as a refusal to accept state power to categorise people and circumscribe their lives.

Concluding remarks: subjugation and potentiality

I started the chapter by noting how the ambivalence between subjugation and potentiality makes endurance a productive lens to analyse why irregularised migrants remain, even when faced with exclusion, hardship and suffering. How can we appreciate the potentiality of such alternatives in a condition framed as futureless by the political regime? To Povinelli (2011), endurance makes a difference even if it does not immediately produce social transformation as it allows people to be something else than simply defeated by the circumstances. To avoid romanticising forms of suffering, scholars have also stressed the need to be clear about the tenuous and contingent conditions of these alternatives when exploring the potentiality of endurance (Neale, 2012; Wool, 2017). Without problematising the broader systems in which some groups must endure while others prosper, a turn to endurance may serve to normalise adaption to unfavourable conditions and foreclosing wider socio-political questions of power and representation (Feldman, 2015). Endurance risks simply becoming a gradual slow wearing out.

Among the long-staying rejected asylum seekers in my study, endurance emerged in relation to an overwhelming sense of spatio-temporal entrapment. Both future-oriented actions and spatial mobility were experienced as severely circumscribed. ‘Social navigation’ thus became increasingly about living through the present conditions, or ‘waiting out the crisis.’ The individual and collective endurance projects that emerged in this context to assist long-stayers to find better ways to live or to cope in the present certainly contributed to making irregularised life more bearable. Also, a form of lived alternative sociality emerged to some extent through the practices aimed at waiting better. Yet, they remained somewhat dogged by the lack of a future horizon. The opposite of endurance, exhaustion, was thus never far away.

In the context of migrant illegality in Norway, the asylum system continued importantly to shape rejected asylum seekers’ future horizon even after the so-called final rejection. I therefore suggest that it was a combination of

‘waiting for’ and ‘waiting out’ that together formed a continuing imperative to stay. As technologies of patience, they work slightly different. In addition to ‘bracketing’ present harm through the promise of a redemptive future (Drangslund, 2019), ‘waiting for’ relies on a certain sense that the ‘queue’ one is in, is actually moving, even if it is infinitely slow (Hage, 2009). ‘Waiting out,’ in contrast, invites self-control through internalising a temporal hierarchy of moral worth by positioning waiting as something that can be done well or badly.

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Notes

- 1 All interlocutors’ names are pseudonyms. Due to strong privacy concerns when doing research with irregular migrants, I have also in some cases chosen to alter what I considered non-essential information (i.e. country of origin, age, years in the country, etc.).
- 2 ‘Papirløs’ is the main term used by NGOs in Norway for irregularised migrants from non-EU countries. The direct translation is ‘paperless’ or ‘without paper,’ however in the chapter I will mainly translate the term to ‘undocumented,’ as this is more commonly used in English.
- 3 Numbers are notoriously unreliable, but during the period of my study (2011–2018), NGOs working in the field estimated that there were between 3,000 and 5,000 rejected asylum seekers that had remained in the country for more than 5 years.
- 4 The political platform for the Norwegian Government, formed by the Conservative Party, the Progress Party, the Liberal Party and the Christian Democratic Party, 17 January 2019, proposes a one-time solution for older ‘unreturnable’ asylum seekers who have lived in Norway for more than 16 years.
- 5 In a few cases it was disputed which was their country of origin, and neither of the embassies in question was willing to grant papers when they were approached. These included, for example Eritreans born in Ethiopia and Iranian Kurdish refugees in Iraq. See also Brux et al. (2019).
- 6 See also Øien et al. (2011), Drevland et al. (2017), Brux et al. (2019) for similar observations.
- 7 Until 2004 and since 2011, rejected asylum seekers have been offered state accommodation in regular asylum reception centres. In 2012 and 2013, rejected asylum seekers constituted the largest group of people living in these centres. In 2013, 5,700 people with a so-called duty to leave (*utreiseplikt*) lived in reception centres, which constituted 35% of all residents. In 2017, this number had

dropped to 1,421 persons, which constituted about 28% of all residents (UDI annual reports 2011–2017).

- 8 These include two limited on–off programs in 2004 and 2013 through which approximately 1,000 and 300 children and their families were regularised, respectively. To be eligible to apply, the child had to have stayed in Norway for more than three years. In 2007, Norway also implemented an ongoing regularisation mechanism, which was further strengthened in 2013. Through this, children, and their families, can be granted a residence permit on the grounds of strong humanitarian consideration on a case-by-case basis.
- 9 The police formally charged PLOG AS and Viste in April 2019, and operations were suspended.

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8 ‘Go fund me’

LGBTI asylum seekers in Kakuma Refugee Camp, Kenya

B Camminga

Introduction: coming to Kenya

In an interview with world-famous artist Wolfgang Tillmans for *Vice* in 2019, lesbian, gay, bisexual, transgender and intersex (LGBTI)¹ refugees in Kakuma Refugee Camp in Kenya were asked a series of questions about what would help their community, what resources might be provided and what actions or strategies might assist them. Their responses to every question seem to be directed towards a global audience: they are most strikingly comprised of a repeated and singular emphasis on the need for resettlement.

J: Resettlement to countries that recognise the rights of LGBTI people is all that would help.

R: We are still failing to convince Africans to accept LGBTI people. The UN’s hands are tied when it comes to finding security for us, or resettlement, but it’s trying to do everything it can. We can speak through people like you, people who come and listen to us, we can make noise in foreign countries and hopefully change minds.

(Tillmans, 2019)

Established in 1992, Kakuma is located in north-western Kenya, near the Kenya–Sudan border in the semi-arid desert environment. Not only is Kakuma near the Sudanese border, but – as pointed out by the camp’s LGBTI residents, many of whom are Ugandan – it is also nearer to Uganda than it is to Kenya’s capital, Nairobi (Mbaziira, 2018). Comprised of Kakuma 1, 2, 3 and 4, the camp has an estimated population of 180,000 people. The governance of the camp, along with humanitarian aid, is administered by the United Nations High Commission for Refugees (UNHCR). Due to restrictions on refugee movement, the overall arid environment, the distance from Nairobi and the lack of available employment, the population of the camp is almost entirely reliant on aid for survival. Since the 2013 passage of Uganda’s now infamous Anti-Homosexuality Bill (AHB), the number of African LGBTI people on the move and seeking sanctuary has increased.² Given it contains one of the five largest UNHCR-mandated operations in

the world, of which Kakuma is a part, Kenya has long been a hub for refugees and asylum seekers in the region (Garlick et al., 2015: p. 97). Although homosexuality remains criminalised within Kenya's borders, these refugees and asylum seekers have, since 2013, increasingly included LGBTI people from the region. This is largely due to a somewhat peculiar role played by the UNHCR, which has run what we might understand as a parallel legal regime within the country (Nanima, 2017) – one in which they provide legal protection to those the Kenyan state criminalises, or considers illegal: LGBTI refugees and asylum seekers.

Given this tenuous legal position, resettlement has been the only durable solution available to LGBTI refugees in Kenya. Utilised in situations where there is a special need for protection, resettlement is defined as: 'the transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them "as refugees" with permanent residence status' (United Nations High Commissioner for Refugees, n.d.). It is an extraordinary experience of spatial and temporal uncertainty, marked by the not knowing when (and if) departure might take place and where one might end up. In her work Nadia El-Shaarawi (2015: p. 39) describes this temporal and spatial uncertainty as a type of suspension, being 'stuck between places and between past and possible future lives.' This uncertainty is coupled with, following Bissell (2007) and Rotter (2016), what I propose is the event of waiting or a waiting event – an event-to-come which necessitates and brings about the 'experience of waiting' (Bissell, 2007: p. 282). In such waiting events 'the individual plays a small part and exercises limited control in complex, interdependent processes' (Rotter, 2016: p. 80). For refugees, resettlement is a complex lottery where vulnerability remains a key comparative that sets some groups, as more vulnerable, apart from and therefore more in need, than others. The places made available for resettlement are few and the numbers of refugees are many. Given the 'kaleidoscopic nature of subjectivities,' Bissell (2007: p. 278) entreats us to pay particular attention to the spatial and temporal enmeshments of waiting experienced within specific mobilities.

Almost as soon as LGBTI refugees entered Kakuma, a series of fundraising campaigns started by LGBTI refugees calling themselves 'Refugee Flag Kakuma' on the donation-based platform *GoFundMe*, with titles like 'HELP LGBTI REFUGEES IN KAKUMA,' began to circulate online (Mbaziira, 2017). *GoFundMe* pages are of a standard format, comprised of a title banner such as 'HELP LGBTI REFUGEES IN KAKUMA CAMP,' under which appears an image or a set of images specific to the campaign, a share counter indicating the number of times the campaign has been posted on social media, followed by a description of the campaign and its leaders. To the right of this information, adjacent to the images, appears a blue cash bar indicating donations made towards the goal set by the campaign (although money can be withdrawn without reaching said goal). Below the cash bar are the names of donors and at the very bottom of the page any messages

from donors. These Internet campaigns called on countries, groups and individuals in the Global North for assistance, and, crucially, accelerating the resettlement process from not just Kenya but, specifically, from Kakuma.

In this chapter I provide a close reading of several of these online campaigns, considering the framing of their calls in relation to the supportive commentary from donors and the work of the temporal markers of the donation bar. I argue that for those who are both criminalised and paradoxically legally protected in Kenya – LGBTI refugees – these online campaigns, by their very nature as active platforms of engagement, transform what Aren Azuira (2018) might call the ‘temporal suspension’ of this waiting event. This chapter explores what these digital campaigns, in their global circulation via the Internet, can tell us about the ‘temporal and spatial enmeshments’ of waiting for resettlement as an event from within Kakuma for LGBTI refugees. I suggest that LGBTI refugees’ prolific self-publication and use of *GoFundMe* projected from the waiting space of the camp, specifically counters some of the adverse spatial logic of refugee camps. In reaching out to a perceived global public beyond the confines of the camp, LGBTI refugees appeal directly to a donor public who might witness both their existence and their waiting time thereby crafting a temporality online. This access to the virtual means that they are not solely confined to the physical space of the refugee camp but are actively projecting themselves into their future goal of resettlement thereby transforming the experience of waiting in their present.

Refugees in Kenya

In 1991, the Kenyan refugee system faced a total crisis and eventual collapse when the war in Somalia, in combination with the arrival of ‘The Lost Boys of Sudan,’ stretched to breaking point a structure based on processes of individual case determination overseen by the Kenyan government and not designed to deal with an unexpected influx of large numbers of people.³ To secure resources necessary to address this situation, the Kenyan government accepted the assistance and guidance of the UNHCR and set aside land that would soon be partitioned into camps, among these is Kakuma Refugee Camp (Verdirame, 1999). The UNHCR then contracted non-governmental organisations (NGOs), as implementing partners, to assist with the provision of basic necessities in these camps which, as a response to an emergency situation, were to act as temporary shelters. At the same time, all camps and status determination came under the administration of the UNHCR. Along with the establishment of the camps came the legal requirement, described by Guglielmo Verdirame (1999: p. 6) as ‘bureaucratic jargon of the post-1991 refugee regime in Kenya.’ This demanded that ‘refugees *have* to reside in camps until a durable solution is found’ (Verdirame 1999: p. 6). From this moment on, the government began to understand Kenya’s role as a ‘transit country where refugees are allowed to remain provided that they receive assistance from the UNHCR in the camps’

(Verdirame, 1999: p. 7). The structure of the refugee regime in Kenya is such that refugees' ability to participate in broader society is limited. In addition to being encamped, refugees have no right to work in the formal sector and no access to social services. Camps attract international assistance (Crisp & Jacobsen, 1998: p. 28), and the provision of international aid allows the Kenyan state to ensure that its own resources and benefits remain focused on Kenyan citizens. To this end, the government provides little assistance in terms of humanitarian aid – and the encampment policy provides little incentive to do so.

The Department of Refugee Affairs (DRA) is the bureaucratic department within the Kenyan government, which deals with refugee issues. Strategically, it is actively separated from all other spheres of government in order to ensure that the refugee regime is cordoned off from the immigration system and other arms of the state, by extension thus also keeping perceived financial burdens separate from financial possibilities. This separation is critical on another count: there are no explicit protections relating to gender identity or sexual orientation in Kenya's 2010 constitution and, furthermore, the Kenyan Penal Code actively criminalises LGBTI people, carrying a 14-year sentence for sodomy and a 5-year sentence for 'sexual practices between males' termed 'gross indecency.'⁴ Kenya, much like its neighbours, has been known to use these laws to actively harass and arbitrarily detain Kenyan LGBTI individuals (Zomorodi, 2016: p. 92). In terms of societal homophobic attitudes, Kenya differs little from Uganda and indeed many of its neighbours. The 2013 Pew Survey, for example, noted that 96% of Ugandans and 90% of Kenyans questioned do not believe society should accept homosexuality (Pew Research Center, 2013).

The first visible group to move across the border from Uganda into Kenya arrived at the UNHCR offices on 11 March 2014 (Wesangula, 2017). Because they were the first to arrive in Kenya following the passage of the AHB, and because of the illegality of same-sex sexual activity in Kenya, these 23 LGBTI Ugandans were treated as exceptional cases. Asylum seekers in Kenya usually wait for months to be notified whether they qualify for official refugee status, and then several more years for consultations on the possibility of resettlement. In this particular case, however, the UNHCR decided to fast-track the group's claims while providing them with special protection, safe housing and financial support: an almost unprecedented level of support and attention. That the group's housing in Kenya's capital, Nairobi, was funded by the UNHCR for the duration of their stay indicates an acknowledgement, on the part of the latter, that the standard practice of waiting for resettlement in Kakuma Refugee Camp would put the group's lives at risk – their ability to remain outside the camp, meanwhile, was dependent on the ongoing lax enforcement of the Kenyan law requiring all refugees to live in the camps (Kushner, 2016). At that point, it was not yet known what long-term impact the AHB would have on movement and migration in the region.

At the time of the arrival of the first group of LGBTI refugees, Kenyan men who were assumed to be gay were being forced by the legal system to undergo anal examinations (Human Rights Watch, 2016). Given this, we might wonder why the Kenyan state would allow, or at the very least ignore, the presence of LGBTI people seeking asylum from its neighbour. The DRA, as a cordoned-off entity, allows the Kenyan state to recognise the refugee status of LGBTI people – through the UNHCR and under its international obligation ratified in the country's Refugee Act – without directly recognising the rights of LGBTI people. Moreover, as Marijke Kremin (2017) argues, because resettlement has from the outset been the proposed option, the Kenyan government has been more willing to turn a blind eye. In essence:

Its robust resettlement program, with an emphasis on expedited resettlement for LGBTI means that the government and local communities are not as concerned with the lasting cultural impact of recognising people as refugees on the basis of their sexual orientation or gender identity.

(Kremin, 2017: p. 68)

Following the reintroduction of Uganda's AHB in November 2014, the numbers of LGBTI Ugandans seeking safety began to rise, so much so as to be considered a visible population group seeking asylum in Kenya (Zomorodi, 2015: p. 12). This increase in movement coincided with two distinct occurrences. The first was a belief on the part of LGBTI refugees in Kenya, that resettlement would be swift, given the tenuous nature of their legal right to be in Kenya as LGBTI people (criminalised by the Kenyan state) *and* as refugees (protected by the UNHCR). This belief was fuelled by rumours of housing, a stipend and fast-track processing. According to Gita Zomorodi (2015: pp. 13–14), one new arrival to Kenya in February 2015 stated that they only expected to 'be in Kenya for three months and be resettled to the West.' The second, distinct occurrence was the Kenyan state's implementation of 'Operation Usalama Watch,' which drastically shifted conditions of reception and possibility for refugees within the country. The arrival of larger groups of LGBTI people seeking asylum coincided with increased fears, within Kenya, relating to terrorism and, in particular, the terrorist group al Shabaab. In response to these fears, the Kenyan state issued a strict directive requiring all refugees in Kenya to move back to the camps – in essence, reissuing the government's encampment policy making it illegal for refugees to live outside of designated camp areas (Millo, 2013: p. 16).⁵ The majority of LGBTI refugees in the country were remanded to Kakuma.

Encampment and discretion

Kakuma authorities usually give refugees construction materials to build their own houses (Kushner, 2016). In an effort to protect the LGBTI arrivals

from the almost immediate hostility of other refugees in the camp, the UNCHR set the group up with a plot of land and worked with a partner organisation to construct a set of small huts for them to reside in. A makeshift border was created around the compound with thorny shrubs; it is unclear if this was to keep the LGBTI refugees in, or the threatening elements of the wider refugee population out. And, presumably in order to further limit interactions with other refugees, a tap with running water was placed near the enclosed area. All of this was largely unheard-of treatment. The UNHCR explicitly intended to assist the group in acclimating to the camp while causing the least amount of upheaval for both LGBTI refugees and the camp's already existing population (United Nations High Commissioner for Refugees, 2019: p. 3). This was a space created with the protection of the group in mind, a space constructed with the express intention of having LGBTI refugees await resettlement while encamped within it.

The designers of this solution thus obviously hoped that being cordoned-off, the LGBTI group might be better able to remain inconspicuous. Since the arrival of LGBTI people in the camp, however, there have been numerous incidences of reported violence and targeted harassment. In response to this, LGBTI members of the camp mounted protests while accusing both the police and the UNHCR of negligence, incompetency and abuse. Meanwhile, handwritten signs appeared periodically around the camp, stating, for example – 'If you don't leave the camp, we are going to kill you one by one, and we mean it. Enough is enough' (Power, 2018b). The former director of resettlements for the UNHCR, Inge De Langhe, noted in a 2015 interview that, as an organisation, the UNHCR simply did not 'have the capacity to protect each and every individual' (Kushner, 2015). Instead, she stressed that it would be best if those LGBTI people encamped within the camp maintained a certain level of discreetness while waiting for resettlement (Kushner, 2015). A controversial request, discretion has often been used historically as a basis to reject asylum claims, due to the belief that persecution can be avoided if an applicant would only hide or conceal their sexual or gender identity (Spijkerboer & Jansen, 2011: p. 13).

Refugee camps like Kakuma are a particular spatial and temporal manifestation. They are bounded entities, existing somewhere between the temporary and the permanent (Turner, 2015: p. 140), which do not appear on the official maps of countries (Agier, 2008: p. 44). In this sense they occupy space – they are spatial configurations – but remain sites hidden from view; they are, in a sense, non-places. For Michel Agier, those within camps become agglomerated, via administrative labels such as 'refugee,' into a homogeneous whole representative of the non-place (Agier, 2017). Lisa Malkki (1992) argues that camps impose 'refugeeness,' a term which she posits 'denotes an objectified, undifferentiated mass' (p. 34). She proposes that the ways standardised discursive and representational forms are used to discuss refugees and the 'refugee problem' have made their way in mainstream journalism, and media have had far-reaching, cross-border implications for refugees

globally, including ‘the systematic, even if unintended, silencing of persons who find themselves in the classificatory space of “refugees”’ (Malkki 1996: p. 386). Furthermore, she suggests that when refugees become objects of care to organisations, such as the UNHCR, they essentially enter into an ‘anonymous corporeality and speechlessness’ (Malkki, 1996: p. 386).

Indeed, camps in their ‘temporal and spatial architectures’ (Keshavarz, 2016: p. 239) are such that, though intended to do otherwise, they actually impede rather than foster human rights by ‘limiting, controlling and regulating the life of undesirables’ (Keshavarz, 2016: p. 239). For Svetlana Sytnik this is built into the very nature of the camp and ensures that as an undifferentiated mass, whose time in this non-place becomes one of protracted waiting, the only human right that refugees eventually find themselves left with is a right to life (Sytnik, 2012: p. 26). Those living in camps, classified as refugees, thus find themselves in a perpetual waiting for resettlement, return or host country integration. Camps are not built with the intention of being a permanent solution; rather, they are explicitly designed as temporary waiting spaces. This is the main reason they remain unmarked on maps – they are not meant to stay. Yet, though they are treated as temporary solutions, increasingly, refugee camps are becoming permanent fixtures (Mohdin, 2015). According to statistics, the ‘average duration’ in waiting ‘is now well over twenty years’ (Do & Devictor, 2016).⁶ This waiting, in the camp specifically, as a site of restricted spatial ability, can also according to Rotter (2016: p. 89) facilitate ‘a sense of suspension of movement in time.’ Camps then can be understood both in their spatial manifestation as non-places and their temporal construction as waiting zones, as indicative of a kind of suspension.

It is arguable that, encamped within the camp, LGBTI refugees became the undesirable of undesirables. In relation to Kakuma, Jansen (2008: p. 570) argues that when they are unable to access available humanitarian structures, refugees who are considered vulnerable are overlooked. The request for LGBTI people to practice discretion and concealment can be understood as an expectation that they actively enter the camp’s structure of ‘anonymous corporeality and speechlessness’ (Malkki, 1996: p. 386). The UNHCR is clear in its guidelines that discretion should never be a requirement in the process of asylum (UNHCR, 2012). Since discretion entails blending into the masses, coupled, in this instance, with the very real possibility of being subsumed into the forgotten space of the camp, many could not acquiesce and many more actively refused (Kushner, 2015). Seemingly paradoxically, by corralling LGBTI people in a singular area, this encampment rendered the group increasingly visible to threatening elements of the camp. At the same time, this encampment increased their vulnerability to broader invisibility, as just another group of vulnerable refugees, waiting in Kakuma. As one refugee explained, to be discrete would be to become ‘invisible, as if you cease to exist ... you know we need the visibility so much because if you’re just there ... [in the camp] ... you’re just there no one knows

anything that is happening here' (Camminga, 2020). When one ceases to exist while waiting, suspended between resettlement and nowhere, as one among the masses, in a 'radically disparate' system such as resettlement, one runs the risk of a wait without end.

Go and fund me!

Aren Aizura (2018: p. 20) argues that occupants of a space designated for waiting can 'push on the space and invent temporalities that refuse the suspension of waiting.' As LGBTI refugees entered Kakuma, campaigns started to appear online, aiming to raise money for food, medication, clothing and other emergency items while consistently underlining that these were needs to be provided for in having to wait for resettlement. Based in the USA, *GoFundMe* is the largest crowdfunding platform on the Internet, generating as much as \$140 million a month in donations – what Ainsley Harris, in a review of the company, calls 'flickers of hope – in the form of digital payments' (Harris, 2017). *GoFundMe* is described by its CEO as a 'digital safety net – with more than 25 million donors eagerly holding it up' (Harris, 2017). Visitors to a campaign page are given three options: Donate, share on Facebook or tweet. Automated emails acknowledging donations encourage donors to share the campaign 'by telling people how much their promotion could be worth, in dollar terms, based on analyses of past campaigns' (Harris, 2017). Campaigns are monitored for interesting content or for spikes in donations. These are then pitched as stories to news media in the US, including popular digital media outlets such as *BuzzFeed* (Harris, 2017). The platform has been praised for 'democratising help – with a few clicks a person can now mobilise their family, friends, community and even the world to help anyone, anywhere' (Solomon, 2016). This geographical dispersion of investors is considered one of the platform's most 'striking characteristics' (Agrawal et al., 2010: p. 1).

The key to crowdfunding on *GoFundMe* is creating a campaign, telling a story, providing photos and sharing it widely. Campaigns 'walk a careful line between revealing an extremely vulnerable situation [...] and indicating the worth of the person or people in need' (Paulus & Roberts, 2018: p. 66). In a narrative analysis of *GoFundMe* campaigns, Paulus and Roberts note that actual requests for funds typically emerge as secondary to the discursive tactics used to 'manage identity and present the person in need, and situation, as worthy of support' (Paulus & Roberts, 2018: pp. 66–67). According to Paulus and Roberts, the biggest contribution of sites like *GoFundMe* are, perhaps surprisingly, not their financial possibilities but their ability to emphasise and bring attention to personal struggles, which may otherwise would have remained unknown or invisible (Paulus & Roberts, 2018: p. 70). Donations are, relatedly, empathy-based, offering no 'perk' beyond the purely affective. The 'Tell your story' section of a *GoFundMe* page is where campaign creators are expected to explain the reason for these campaigns.

Here, LGBTI refugees virtually project their needs and experiences of waiting as an event in relation to resettlement. For instance, the ‘7 LGBTs need to raise the roof’ campaign:

Please help the Kakuma 7 build the plastic housing the UN cannot provide. These donations will build the new shelters and leftover money will be reputable over the counter medicine for common camp ailments like diarrhoea (sic) and headaches [...] Every human deserves a safe, secured, dry place to sleep. Until the Kakuma 7 can travel to their American Dream, let's be the ones who send it to them.

(Mbaziira, 2017)

Across campaigns, then, the core call is a virtual projection of the needs and experiences of waiting while consistently underlining the necessity for resettlement. Crucially, as evidenced by ‘*their* American Dream,’ this is an investment in a future horizon where the needs of having to wait, which make explicit the event of waiting in the present, are investments in survival until that future moment. In another campaign entitled ‘We Stand with LGBT refugees,’ the campaigns creator explains:

I am humbly begging for funds for shelter, medication, and food for myself as well as my brothers and sisters here at the center (there are 5 of us). This fundraising goal will help us sustain ourselves for two months. We all hope and pray for the day where we are resettled and have a chance at a future where we are able to love our selves (sic) and each other.

(McGaughey, 2019)

These campaigns through their ‘share counters,’ indicating the number of times the campaign is shared across social media, and rising bar of donations, indicating cash donations given, can therefore be understood as active markers of this waiting time. Indicators such as ‘help us sustain ourselves for two months,’ when they appear alongside the rising cash bar, act as temporal markers of need. Moreover, the engagement by campaigners suggests a kind of active waiting, one which is projected into the future space of the ‘American Dream,’ a time where campaigners might be able ‘to love our selves and each other.’ The engagement in the form of donations and the subsequent messages from donors, which often accompany donations, help to cultivate connection beyond the physical space of the camp. Donors’ messages include such statements as: ‘We are all a family, global and we need to stick together’ (sic) (Patton et al., 2019); ‘please stay strong and know you have people thinking of you!’ (Dumford, 2018); and – ‘Queer solidarity from the UK. You deserve a home. You deserve to have your humanity recognised and celebrated. You deserve to feel safe’ (McGaughey, 2019). These campaigns refuse suspension by actively and intentionally bringing to life

the contours of the waiting event via the Internet (Bissell, 2007). It informs a would-be audience for the needs of which this waiting is comprised in relation to their particular subjectivities, as LGBTI people, and their desired mobility, a desire for resettlement.

Those interviewed on various media platforms also punted their funding pages. In Tillmans' (2019) interview, for instance, Refugee Flag Kakuma, an LGBTI organisation established in direct response to their encampment within the camp called on readers to visit their Facebook-linked *GoFundMe* page and make contributions should they feel 'sympathetic enough' (Tillmans, 2019). According to Bram J. Jansen, 'representing vulnerability and using identity to negotiate access to opportunities is the essential resource for refugees, because many other resources are lacking' (Jansen, 2008). Vulnerability, which is a precondition of resettlement, is also a critical resource on the Internet. The very names of these campaigns – for example, 'HELP LGBTQ+ REFUGEES IN KENYA' (Bossa, 2017), 'Uganda LGBT Refugee Assistance Fund' (Wood, 2018), 'LGBT Refugee Emergency Safe Shelter' (Nathan, 2018), 'Help LGBT in Kakuma Refugee Camp' (Mariadas, 2018), 'LGBTI Refugee Coalition in Kenya' (Clark, 2018), '7 LGBT refugees need to raise a roof' (Borden, 2018) – consistently mark the connection between geographical regions (Kenya or Kakuma, or both) and the acronym 'LGBTI.' The latter is invested in as an indicator of the group's vulnerability and difference from other refugees, and, by extension, their needs.

These campaigns map life in Kakuma often in the very way in which they are titled, for instance 'Help LGBT in Kakuma Refugee Camp' (Mariadas, 2018). They transform the non-place of the camp, and the suspended experience that is the event of waiting for resettlement, by making their waiting, themselves and the camp, visible to a global public, and thus countering the precarious position of encampment within the camp. Lastly, and perhaps most critically, the online campaigns are used as a way to restructure time by informing the world of the duration of their waiting, the temporal flow of which is marked not by the ticking away of 'clock time,' but by the rise of the money or donation bar and the increase in the number of 'shares' on social media a campaign garners. It is less about the actual marking of the bar climbing upwards in value than it is about the ticking over of both financial investment and social media interest of a readership that is global, already waiting in the future time and space of resettlement. This crowd of readers and donors thus becomes a veritable lifeline beyond the camp and encampment. These campaigns can consequently be read as a direct refusal of discrete waiting; one which is not only a structuring experience of time but an event that has material effects. Centrally, it brings their plight to a global public, which, given the tenuous legal position of the relevant groups, would have remained largely unaware of the experiences of LGBTI refugees in a country that does not recognise LGBTI people, without the power of the Internet.

A Google search of ‘LGBT refugee Kakuma Kenya’ yields 42,800 results spanning funding sites, articles, books and reports. The Internet is synonymous with visibility. Due to ongoing criminalisation in combination with particular religious and cultural beliefs, the visibility of the LGBTI population in Kenya creates social tension. It is often the case that this tension leads to challenge and persecution. Zomorodi (2015: p. 13) reports that these crowdfunding initiatives raised more than \$125,000, seemingly redistributed to LGBTI refugees in Kenya, although this is difficult to verify. The campaigns brought to a global audience what we might, following Aizura (2018), describe as the ‘temporal suspension’ of being both criminalised and legally protected as a recognised refugee waiting in Kakuma for resettlement. The campaigns constitute a refusal to inhabit this suspension. A refusal to remain discrete and fade into the fabric of the camp.

This is not to say that actual experiences of the time of waiting are not tedious or, as some refugees have stated, ‘unfulfilled...useless, oppressive even’ (Nusbaum, 2016). Much like trans people’s use of crowdfunding websites to seek funds to assist with affirming healthcare, as discussed by Megan Farnel (2015), it would seem that calls for assistance by LGBTI refugees in Kakuma create conditions under which groups who are not refugees, primarily based in the Global North, ‘are deemed not only capable, but righteously able to define life and life-saving’ for these population groups (Farnel, 2015: p. 12). One of the appeals of crowdfunding is the degree of agency it gives to individuals. LGBTI refugees punctuate the time of waiting with stories of displacement, turning their vulnerability, their waiting, into a media event on a global platform.

Conclusion: the virtual and the real

Camps like Kakuma, which the UNHCR runs as protected spaces, fade into a kind of obscurity within their host countries (Verdirame, 1999: p. 18). Though they might be diverse internally, within the context of the host country those in the camp become a singular assemblage – ‘refugees.’ This can make differentiated protection needs extremely difficult to manage. The situation in Kakuma for LGBTI people is such that the request for their concealment and discretion alongside their particular encampment within the camp suggests that they should simply assimilate into the ‘objectified, undifferentiated mass’ (Malkki, 1992: p. 34). In requesting funding from a public located outside of the camp and particularly in the Global North, LGBTI refugees not only refused invisibility they also put Kakuma on the map. In doing so, they garnered interest from a foreign media, of which Tillmans’ article is but one example, telling their stories of waiting in the camp (see Kushner, 2015; Buchanan, 2016; Paperny, 2018). Tillmans’ article, which opened this chapter, can be understood as indicative of the reach and scope of these campaigns. Tillmans, a world-famous artist and contemporary photographer whose work adorns the walls of museums, galleries and

night-clubs such as the famous Berghain in Berlin, is not generally known for being a journalist. His article nevertheless featured across several widely read mainstream digital media platforms including *Vice* and *I-D*. Critically, the article ends with Tillmans' (2019) plea to readers 'To learn more about the situation in the Kakuma Refugee camp and how can you help (sic), please visit the Refugee Flag Kakuma Facebook page.' This plea also includes a request to 'please help spread the word' (Tillmans, 2019). Importantly, Tillmans is not alone. The various *GoFundMe* campaigns have appeared in articles describing life in Kakuma for LGBTI refugees in mainstream news websites such as the Washington Blade (Rosendall, 2018), as well as in more niche LGBTI publications such as MambaOnline in South Africa (Ntsabo, 2018) and the UK-based GayStarNews (Power, 2018a). More broadly, Kenyan LGBTI refugees have received coverage across numerous platforms in the wake of their self-publication through these campaigns (Naluzze, 2018; Bhalla, 2019; Newman, 2019).

These campaigns have arguably brought the spatial structures of encampment to a public beyond the confines of the camp. Had the group acquiesced to discretion it is unclear whether, given the improbability of a group of LGBT refugees claiming asylum in a country that does not acknowledge LGBT people, the wider global public would even be aware of their existence, let alone their needs or their wait for resettlement. Returning to Aizura (2018), the campaigns are in fact constituting a possible donor public defined by a virtual affective relationship to the LGBTI refugees; those situated beyond the fenced bounds of Kakuma who are 'sympathetic enough.' Appeals on *GoFundMe* are both a virtual projection of the LGBTI refugees' desire for a secure future and a refusal to experience their present as a time in which they can only passively wait because they are encamped. Their campaigns request funding for necessities while always directing the focus towards resettlement. In this way, they are a means through which this waiting event, which here distinctively relates to LGBTI people, is made public via its publication on the Internet. They project needs and desires which override the spatial and temporal rhythms that mark camps as non-places and refugees as undifferentiated masses. The very names of these campaigns insist on geographical legibility – 'Kakuma,' 'Kenya.' They also facilitate a temporality, in which the passing of time spent waiting within the space of the camp is measured through need: 'Transport, Accommodation, Food, Medication/Nutrition Supplements, Basic needs/Refreshments, Venue, Emergency Fee' (Patton et al., 2019). This is marked by the rising bar of donations '\$670 raised of \$3,500 goal' and the number of shares, '351' via other social media platforms orientated always towards resettlement: 'Kenya is no safe a place to live in by LGBTI's and all efforts should be made to solicit for more resettlement slots for them to third countries' (Patton et al., 2019). As Paulus and Roberts (2018: p. 65) note, the scaffold provided by *GoFundMe* is, inherently, temporal. It must be stressed here that the point however is not the number of times a campaign is shared but about

achieving active engagement from an interested and financially invested public, 'anonymous' persons who pledged '\$50 9 days ago' living in the future space of possible resettlement. Campaigns function as markers of time spent towards resettlement.

On 11 December 2018, LGBTI refugees in Kakuma staged a public march to the UNHCR offices protesting their insecurity, lack of provisions and the abuse and discrimination they experienced in the camp. En route, they were attacked by several other members of the camp. Some of the LGBTI refugees suggested that police also took part in the attack, although the police denied this accusation. Several protestors were severely injured and had to be hospitalised. In December 2018, following the march and the subsequent attack, the UNHCR began to facilitate a process of moving LGBTI refugees out of the camp, which was no longer considered safe for them, into safe houses on the outskirts of Nairobi (Refugee Coalition of East Africa, 2018). The UNHCR admitted that the LGBTI contingent of the camp would be far safer in and around Nairobi rather than in the camp (Ahmed & Mohan, 2018). In a press statement, a UNHCR spokesperson noted that while the UNHCR had undertaken great efforts to protect LGBTI refugees in the camp, arguing that 'the Kakuma context does not provide a safe environment for LGBTI refugees and asylum-seekers [...] UNHCR believes that the LGBTI refugees who were involved in this incident would be better protected outside Kakuma. The necessary measures have been taken to facilitate their removal' (Bhalla, 2018).

One of the key demands of those encamped, articulated on their placards, was 'quicker resettlement process before we all die in this hostile environment' (Ahmed & Mohan, 2018). If there is one thing that is abundantly clear, it is that a visible contingent of refugees within the camp, as evidenced by the words 'we will kill you one by one,' did not want LGBTI people among them and were emboldened enough to state that openly. Faced with this threat, LGBTI refugees called for assistance beyond the borders of their encampment within the camp, beyond Kakuma and beyond Kenya. That this call was contingent on their visibility as LGBTI required putting consistent energy, even at the expense of their safety within the camp, into LGBTI visibility. This chapter is an outcome of that very visibility work, drawing from the campaigns and by extension the labour of 'LGBTI' as a marker of waiting time on the Internet. Through the campaigns, members of the group define themselves as not only LGBTI but LGBTI *and* refugees *and* waiting. Their campaigns highlighted their time in the camp and put the camp on the map, as a place unwelcoming to them. This was achieved via the signalling done by the request to 'go fund me' alongside the rising money counter on the website, in relation to the visibility work of 'LGBTI' and the mapping of 'Kakuma' online. Returning to Tillmans' interview, the campaigns not only aim to secure a future of resettlement beyond the camp and Kenya but also work to change the temporal structure of the present within the camp. The LGBTI refugees' eventual relocation, the rescinding of their encampment within the

camp, can be read as the fruits of this refusal to merely become part of the waiting, speechless, anonymous, undesirable and undifferentiated masses – the refugees of Kakuma – on the grounds that to do so would be deadly.

Notes

- 1 Campaigns mentioned in this chapter use both ‘LGBT’ and ‘LGBTI’ to refer to their members. Where this chapter refers to the name of a campaign or references a particular campaign, I have followed the campaigns choice of acronym in all other cases I have used LGBTI.
- 2 The Anti-Homosexuality Bill (AHB) was ratified by the Ugandan parliament in December 2013, signed into law in 2014 and struck down by the Constitutional Court of Uganda in August 2014.
- 3 In the 1980s, war in Sudan forced young Sudanese children, many of whom were boys, to flee the country, crossing the Savannah desert into neighbouring Ethiopia. In 1991, those same children, an estimated 25,000, were expelled from Ethiopia and fled to Kenya arriving at the Kakuma Refugee Camp seeking shelter and safety (Geltman et al., 2005: p. 586).
- 4 Section 162 of Kenyan Penal Code states that any person who has carnal knowledge of any person against the order of nature or permits a male person to have carnal knowledge of him or her against the order of nature is guilty of a felony and is liable to imprisonment for 14 years; Section 145 of Ugandan Penal Code provides that any person who has carnal knowledge of any person against the order of nature or permits a male person to have carnal knowledge with him or her against the order of nature commits an offence and is liable to imprisonment for life (The Republic of Kenya, 2009).
- 5 Given the previously lax implementation of Kenya’s encampment policy, it is unclear whether this decision simply coincided with the sudden arrival of new LGBTI refugees, or a considered move on the part of the Kenyan state to justify the increased suppression of refugees and asylum seekers at large.
- 6 For a disaggregation of numbers and the difference between median and average, see Do and Devictor (2016).

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Part III

**Legal temporalities
and waiting**



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9 The truth of the body as controversial evidence

An investigation into age assessments of migrant minors in France

Sandrine Musso

Introduction

Marseille, 21 November 2017: It's late afternoon, and around 40 'migrant minors' accompanied by members of collectives and non-governmental organisations (NGOs)¹ are occupying the Saint-Ferréol Church, located at the Old Port in the city centre near the town hall. The occupation took place at the end of a rally to denounce the situation of an estimated 150 migrant minors, who were sleeping on the street. In the early 1990s, these minors were described as *jeunes errants* (young wanderers), which was also the name of the first organisation created in Marseille in 1994 to make this issue visible at a national level (Vassort, 2004; Duvivier, 2009; Lodwick, 2016). Later, migrant minors came to be known as 'isolated foreign minors' (*mineurs isolés étrangers*). Although French authorities adopted in 2016 the category used in Europe – 'unaccompanied minors' (UAMs) (Etiemble, 2018) – the category of 'isolated foreign minors' continues to be widely used by stakeholders. More than 20 years have passed since undocumented migrants first occupied the Saint Bernard Church in Paris, an event that made a lasting impression (Blin, 2008). But the main concern for the Saint Bernard protesters was for 'the legal status of undocumented migrants to be resolved.' Times have changed: 'The State must protect isolated minors,' read several posters and a sheet hung on the outside wall of the St. Ferréol Church. The church occupation in 2017 was not a protest for the rights of *all* undocumented migrants, but for what in the meantime had come to constitute a new humanitarian population – the UAMs.

The occupation of the Saint-Ferréol Church took place 2 months after the launch of the 'warning, mobilisation and denunciation' national campaign, which later became a nationwide collective called '*Justice pour les jeunes isolés étrangers*' (justice for isolated foreign minors). November 2017 was also the month that the humanitarian NGO Médecins Sans Frontières (Doctors Without Borders) opened a reception centre for isolated foreign minors in Pantin, a Paris suburb. Even though Doctors Without Borders had ended its programmes in France in 2012, it set up an operation in 2015 to provide medical assistance to migrants in transit or asylum seekers and in

2017 further decided to open a daytime reception centre, providing medical and administrative advice for UAMs after having identified ‘the vulnerability’ of this population’ (Médecins Sans Frontières, 2019).

As part of the WAIT research project, I conducted an exploratory ethnographic survey in Marseille between September 2017 and July 2019, which also included a bibliographic research into the issues surrounding age assessments among migrant minors in France and Europe. The question of age determination and age assessments of minors seemed a perfect example of the social production of waiting and time: In ‘sorting’ minors, who are under child protection services, and distinguishing them from adults, to whom no shelter is offered, the objectified measure of time is key. One of the many tools used in this assessment, the ‘bone tests,’ points to the perspective of ‘the truth of the body.’ As I will discuss in this text, the body is extracted from historical and social context, and the bones count more than the narrative of the subject.

Having started my investigation among biological anthropologists with experience in forensic and identification processes, this study led me to lawyers specialising in the defence of UAMs, researchers specialising in bone age and social workers and activists working with minors. I also observed gatherings and periods of occupation, such as the one discussed earlier. My bibliographic research explored the fields of forensic anthropology (Boyd & Boyd, 2018; M’charek, 2018), forensic medicine and bone age research, in a quest to understand the social history of the measurement tools used and the debates that they provoke. I have carefully read socio-anthropological studies and reports on migrant minors in France. I have also started to monitor and follow-up the 2018/2019 controversies surrounding two main issues: First, the constitutionality of carrying out bone age tests, and second, the launch of a biometric database dedicated to unaccompanied migrant minors, which was permitted by the law ‘Controlled immigration, an effective right to asylum, and successful integration’ from September 2018.²

This chapter deals with the interface of age and migration control policies: What do age assessments of minors and time measurements teach us about the ‘age classifications’ of contemporary border policies? What kind of expectations do they give rise to, and how is this expectation described and discussed by the various protagonists of the ‘waiting apparatus,’ which includes scientists in forensic medicine, lawyers, judges, social workers, NGOs, national law courts as well as X-rays of wrist bones and teeth, employed in the process of age assessments?

A new ‘humanitarian population’?

Age classifications

Age is an ‘institution without walls’ (Peatrik, 2003). Every society socially shapes the different stages of life cycles and identifies the transition from childhood to adulthood, as shown in the considerable literature on initiation

and rites of passage in anthropology (Van Gennep, 1909, Turner, 1967). Age is therefore an essential element of social stratification, and its assessment is connected to other social institutions such as kinship, work, politics, religion and so on. An ‘ocean of ages’ (Peatrik, 2003) exists, in which absolute and relative ages can be distinguished, as can chronological and legal ages, which do not always coincide.

Civil age was born with the parish and state registration of new-born babies, and developed in Europe between the sixteenth and eighteenth centuries. Michel Foucault identified this period as the emergence of biopolitics, with particular emphasis on population biopolitics and ‘anatomy-politics’ at the level of individuals (Foucault, 1997). Age, understood in a civil status sense, is therefore an essential condition for the emergence of the idea of ‘population,’ of the modern-day State, and is a tool for managing, protecting and controlling registered populations (Rennes, 2016). This reminder of the historical origin of civil age resonates with the fact that it can be ‘untranslatable,’ a concept dear to the philosopher Barbara Cassin (Cassin, 2004). With respect to her current project on a ‘glossary of French bureaucracy,’ aimed at explaining the cultural requirements that are embedded in administrative bodies, Cassin uses the example of civil officials working in Aubervilliers, who did not really understand why so many of the migrants originally from Mali were born on 31st of December or on 1st of January. Cassin explains that Malians do not easily disclose their date of birth. In the Soninke language, one would commonly say something that could be translated as ‘born around,’ rather than the exact date of birth. Cassin (2004) explicates that for some Malians, disclosing their exact date of birth is equivalent to giving information seen as an intrinsic part of who they are, and thus, a power that can be held over them.

Civil status is also a hotbed of inequality in the world. In 2013, UNICEF estimated that 230 million children ‘do not officially exist,’ of which 40 million were in West Africa. Worldwide, one in seven children does not have a birth certificate. ‘In some countries, this is due to prohibitively high costs. In others, birth certificates are not issued, and no proof of registration exists for families’ (UNICEF, 2013). In 2015, the issues of civil status were put on the international political agenda when providing legal identity for all became one of the Sustainable Development Goals (Goal 16.9), a commitment made by the United Nations and all international aid agencies. According to World Bank surveys, one billion people worldwide do not have identity documents, ‘of whom nearly half are Africans. In 2018, 494 million people were reportedly “undocumented” on the continent, that is to say 50% of the population’ (Dalberto et al., 2018: p. 10).

A ‘new’ population?

Since the early 2000s, increasing attention has been paid to the migration of children and minors throughout the world (UNICEF-IRC)³. This

phenomenon does not only concern Europe, and the recent news of the situation of children at the border between Mexico and the United States proves it; if any proof were still needed (Bhabha, 2014). However, the number of people declaring that they are minors is increasing internationally as well as all around Europe. In January 2018, the bipartisan mission on UAMs, commissioned in 2017 by the prime minister and the president of the *Assemblée des Départements* (the assembly of the *Départements* of France), reported that France experienced certain singularities in relation to data from the European Union, an area where the number of UAM asylum seekers quadrupled between 2014 and 2015. In France, 60% of these minors come from Guinea, Ivory Coast and Mali. The other main countries of origin are Tunisia, Algeria and Morocco. Another distinctive feature is the low proportion of minors seeking asylum in France; instead, they tend to opt for access to child protection services (MSF, 2019).

Between 2014 and 2017, the number of UAMs in child protection systems tripled in France. According to the Ministry of Justice figures, nearly 15,000 new UAMs were entrusted to French departments⁴ after a court decision in 2017. The recognition rate of the age assessments of minors would thus vary from 9% to 100% depending on the department. This evidenced heterogeneous practices and was, in the eyes of the authorities, the main argument for transferring age assessments of minors from departments to the State, through the creation of a highly controversial UAM ‘national biometric database’ (UAM bipartisan mission report, 2018). UAMs are estimated to make up about 10% of the young people currently under child welfare services, a departmental prerogative, and this proportion is on the increase in young offender institutions and institutions for the legal protection of young people. In 2018, the department of Bouches du Rhône, where Marseille is located, was in second place nationally in terms of receiving UAMs. Halfway through 2019 the department had received 1,125 children,⁵ of which around half were placed in Marseille.

Age assessment procedures for distinguishing minors, who are under child protection measures from adults, whose social and administrative destiny goes down a completely different route (treated mainly as illegal immigrants rather than children needing protection), lead to the creation of what might be described as a new humanitarian population. This population is characterised by vulnerability, since in order to be eligible, applicants must ‘prove’ to the authorities that they are minors and are ‘isolated’ or ‘unaccompanied’ (without a legal guardian in the country).

Assessing minors

Age assessments of minors include a set of practices, which were consolidated into domestic law in 2013 and 2016. However, not everyone is given access to age assessments. The deportation of minors arriving from Italy,

with or without birth certificates, has been documented by both NGOs and the press.⁶ When assessments are in fact available, the law details the social assessment procedure (MSF, 2019: p. 33). It must be ‘neutral and benevolent,’ and multidisciplinary and it must allow the person in question to communicate in a language that they are fluent in (so that interpreters may need to be involved). The social assessment procedure should explore six topics: Civil status, family composition, living conditions in the country of origin, reasons for leaving and making the journey, living conditions after arrival, and the assessed persons intentions/plans for the future. These practices have been duly documented by several studies, mainly in the Ile-de-France region, all of which show that the ‘sorting’ logic used during social assessments of age is being based on ‘inconsistencies in accounts’ (Bailleul & Senovilla Hernandez, 2016; Carayon et al., 2019; MSF, 2019). Here we see the issue of producing a self-narrative that is likely to be perceived as ‘credible’ or ‘coherent,’ which has already been documented for asylum seekers in general (D’Halluin, 2012). The ‘co-production’ of age during the institutional journey (Perrot, 2019) has been analysed and documented.

In Marseille, references to inconsistencies in accounts are also very common. Lawyers and social workers mention examples of refusals based on physical appearance, behaviour towards the opposite gender (‘his flirtatious behaviour towards female staff’ is mentioned as a sign of maturity in an age assessment report) and ways of dressing which supposedly contradict the alleged age. The fact that they have migrated can also be seen in itself as a ‘sign’ of maturity, as is having worked during the journey. One such oxymoron, listed in an age assessment report cited by a lawyer, is that ‘her modesty is blatant.’ Depending on the departments, these social assessments are highly heterogeneous, and a more in-depth investigation reveals ‘disparate and arbitrary’ procedures, as they are described by Médecins Sans Frontières (MSF, 2019). ‘Bone tests’ are therefore one of the tools used for the age assessment of minors. These however must be requested by the departments and ordered by a judge or a prosecutor. Lawyers can also demand judges to authorise a ‘bone test,’ as we shall see further on.

Issues raised by the use of forensic expertise in age assessments

It is against this background that on 20 September 2017, a press release by the Council of Europe dealing with age assessment practices in 37 countries stressed the safeguarding of the ‘best interests of the child,’ enshrined as a cardinal principle of children’s rights, and a selection of the ‘least invasive methods’ when carrying out age assessments of young migrants.⁷ The use of bone age tests and forensics to determine whether migrants claiming to be minors are actually so have already been extensively documented in France, either to demonstrate their ethical and scientific illegitimacy or to describe them as ‘the technology of suspicion’ (Collectif ‘Cette France-là,’ 2010) or

‘Russian roulette.’⁸ Incidentally, disputes continued between 2017 and 2019 between the legislative bodies and stakeholders from NGOs involved in defending the rights of minors and foreigners. A priority preliminary submission on the issue of constitutionality was tabled in the French Constitutional Council at the end of 2018, and in March 2019 the council delivered a favourable opinion on maintaining them within the limits already set out in a legislative amendment in 2016. In texts related to either reviewing or challenging bone age, one aspect stands out: The Greulich and Pyle Atlas. This atlas is the main reference on which the majority of assessments using X-rays of the left wrist are based. Newspaper and journal articles have described it as a study focusing on ‘white children of upper socioeconomic status (...) in the 1930s in the United States’ (Etiemble, 2018). However, bone tests as used in UAM interventions have stakes and uses that go far beyond this.⁹

Since the early 2000s, different ethical and medical authorities have issued opinions on the irrelevance of the use of bone tests for a precise evaluation of the age of 18. These include the National Advisory Council on Ethics in 2005; the National Academy of Medicine in 2007; the European Declaration of Health Professionals in 2010; and the Ethics Committee of the Centre Hospitalier Régional et Universitaire in Brest in 2018 (Chariot, 2010; Kobanda Ngbenza, 2016). The recommendations of experts from international scientific societies of paediatrics and forensic medicine have also been published (Schmeling et al., 2016), and these tests have been banned in England and Germany.

In 2015, an appeal published on 16 January in the daily newspaper *Le Monde* with the explicit headline ‘Let’s ban bone age tests on young migrants’ led to a petition that gathered more than 13,000 signatures. The appeal mentioned the fact that other European countries have decided to ban them.¹⁰ Although bone tests were used from the 1990s to assess whether young migrants were minors,¹¹ they have no legal basis other than being mentioned in the circular of 31 May 2013, known as Taubira, which stated that ‘if, and only if, doubt persists at the end of this stage,¹² a medical assessment of the age can be carried out after a request from the public prosecutor’s office.’ This mobilisation resulted in several amendments being tabled to prohibit bone tests as part of the child protection law reforms of 14 March 2016. Another circular of 25 January 2016 indicated ‘that in the event of persistent doubt, the judicial authority may order medical examinations, of which it will independently assess the conclusions.’¹³

However, it was through the law of 14 March 2016 that medical assessments of bone age were incorporated into the civil code to determine which UAMs are indeed minors. This law clarifies three important points: Bone assessments from X-rays can only be performed after the person concerned has given their consent; the results of these examinations must specify the margin of error and cannot on their own determine whether the person is a minor because ‘this doubt benefits the interested party’; and finally, ‘age

assessments from an examination of the pubertal development of primary or secondary sexual traits can no longer be carried out.’

In 2018, following a Court of Cassation ruling that the use of forensic medicine for age assessments of minors had not ‘benefitted the interested party,’¹⁴ a priority preliminary submission on the issue of constitutionality was tabled in the Constitutional Council, supported by several organisations defending the rights of foreigners.¹⁵ In March 2019, the Constitutional Council validated the use of expert assessments, whilst ‘warning magistrates about the misuse and excessive reliance on this examination.’¹⁶

Scenes from a medical visit to observe the use of forensic expert assessments

In July 2019, I visited the huge hospital at La Timone and made my way to the medico-legal forensic unit, in order to meet one of the members of the team authorised to carry out expert assessments of minors, among other procedures. A young female doctor had agreed to meet me in order to explain how she conducts this type of assessment, which since 2013, the year she joined the unit, she has exercised ‘only around fifteen times a year’... She explains to me:

So, we scan the collarbones, take an X-ray of the left wrist and a panoramic dental X-ray, and then they come to us for the clinical examination knowing that it is quite limited, in the sense that since 2016 we are no longer allowed to look at their genitals, well, their sexual organs... Well obviously you have to have their agreement to examine them, and also for the Tanner stages but, well, anyway the issue is when they are around 18 years old it’s quite... they all have a Tanner stage greater than 5, roughly up to 15 years old.

She shows me an illustration on her computer screen with the Tanner stages of the development of male sexual organs, and continues, ‘We ask them to place themselves on the scale, by choosing the picture that best represents what they look like. So sometimes we have big, hairy people who choose that one.’ She laughs while showing me stage 2.

Anyway, that’s not what’s going to make the difference... and so for the dental test we refer to the Demirjian publication; then for the wrist, it’s the Greulich and Pyle, and for the collarbone scan we use Schmeling, a German who has published a lot on the subject, so everyone quotes him. But the reference population is still the problem, it’s young people who were in good health... we bring together the three methods, but there is a window of doubt between 16 and 19 years old and the benefit of the

doubt always favours the minor, as we will never be able to say that he really is 18 years old: It depends on so many factors, I don't know their diet, where they grew up, etc. (...) They often come accompanied by judicial police officers, I explain to them what's going to happen, and if they don't understand the language, interpreters are called in.

The Tanner scale is 'one of the major tools through which the normal pubertal development of both girls and boys is established and visually defined' (Piccand, 2016). The English paediatrician James Mourilyan Tanner produced a six-stage classification of the growth stages from childhood to adulthood, based on data he collected in a study which began in an English orphanage in 1948. Greulich and Pyle designed their atlas based on a group of 1,000 American individuals of a high socio-economic level living in Cleveland (Ohio, USA), who underwent X-ray examinations at regular intervals between 1931 and 1942 (Saint Martin, 2014: p. 31). Their aim was not to determine age but to study growth and weight delays.

The procedure described is perfectly in line with the legal framework in place since 2016, but La Timone is a 'model' university medical service and is at the cutting edge of research into bone age. In my field notes, one of the questions I jotted down at the end of this meeting was:

What effect does it have when a young man presumed to be a minor has his sexual organs and hair examined by a female doctor, as could have been the case before 2016, or is asked by the same doctor to locate himself on such a scale?

At the time I was thinking of comments made by the lawyers I had met, and by a psychologist friend working with isolated foreign minors in MECS¹⁷ before 2016, concerning forensic visits where young people were said to be extremely uncomfortable about undressing and showing their sexual organs when they were taken to a medical examiner's office by judicial police officers.

In his 2014 thesis on the life paths of isolated foreign children in France, Dieudonné Kobanda-Ngbenza, a sociologist and educator, writes:

In practice, as highlighted by the journalist Anne De Loisy, who investigated the Roissy-Charles De Gaulle Airport's holding center, the isolated minor is handcuffed and taken to the forensic institute under police escort to be seen by a doctor who 'analyses his dentition and the development of his sexual organs, and X-rays his wrist and his left hand.
(De Loisy, 2005: p. 95)

During the medical assessment, doctors often resort to more humiliating examinations, which the young people we investigated talk about with embarrassment and reticence. In fact, medical assessments sometimes include

hair and genital examinations involving measuring the testicles of young boys or looking at girls' breasts, or for both to have the hair under their armpits and their pubic hair examined' (Kobanda Ngbenza, 2014: p. 166).

As highlighted by the speakers at a study day organised by IMéRA¹⁸ in June 2018, bringing together care workers, translators and anthropologists, the care relationship and the work of translation in places that confront the injunctions of migration policy (detention centres; shelters; juvenile prisons; and the OFPRA¹⁹) engage the question of modesty in multiple ways. Furthermore, in 2015 France enshrined in law the examination of sexual organs as a tool for producing the physical evidence required to access humanitarian protection and asylum for unaccompanied migrant minors.²⁰ The law also included those who have a legal guardian on the territory, in the event of presumed female genital mutilation. A medical certificate must be produced and then a regular visit is considered in order to observe the absence of genital mutilation (OFPRA specifies an average of 5 years, except in cases stating an imminent threat). Again, the recognised expertise is that of doctors with a qualification in forensic medicine, as specified in the implementation decree of 2018.²¹

Multiple timeframes and forms of waiting

Temporal issues involved in sheltering UAMs

'Our waiting room is usually nicer, but we've had to put sheets over all the armchairs and chairs: There's been a lot of scabies right now (laughs) so it's better this way.' This is said with the lightness of someone for whom these are everyday stories, by Anne, an associate of a firm of female lawyers in Marseille, where the clientele are mainly migrant minors. Many of the young people she accompanies sleep rough in squats or on the streets, where they are also exposed to scabies and other dangers. Among lawyers, as among care workers and social workers, it is mainly women who accompany the migrant minors. Anne exudes a contagious determination and dynamism, and has a bright smile that is sometimes still there when recalling situations and stories, which are often terrible.

But not always. There are also beautiful stories, and those end-of-the-week moments when some of the young people she calls 'my kids' come to show her a perfect school report. The stories told by social workers and lawyers also mention people who 'want to be an airline pilot' and have 'top marks' in everything at school. Anne has defended young people declaring themselves minors in Marseille for over a decade, so she is able to speak with hindsight at this first meeting in October 2017, the first of a series of informal discussions and sometimes recorded interviews. Things were changing rapidly in this field, and a comparison of what she told me in October 2017 with the last interview conducted in July 2019 fully illustrates this observation that she had been asserting from the outset. In October 2017, a month before

the occupation of the Saint-Ferréol Church, relations between associations, lawyers and the departmental council, the body in charge of child protection, were very tense.

In Marseille, age assessments of minors are entrusted to a partner association of the departmental council, ADDAP 13. Clearly, ADDAP is not able to cope with the flow. A delay of nearly 3 months is currently almost the norm, resulting in a conflict over the definition of temporality and ‘tolerable’ waiting standards. When I mentioned that the research project to which I am associated studies ‘government through waiting,’ Anne burst out laughing: ‘Imagine that the term “waiting line” was replaced by “active file” at the ADDAP reception centre: The term “waiting line” was too depressing for the young people!’ It is in fact to counter the waiting produced by the system that she regularly refers the matter to the children’s judge for a ‘provisional placement order’ (PPO), which requires the young person to be ‘sheltered’ so that he or she is no longer on the street. However, even with this order, which has the force of law behind it, her ‘kids’ are not always sheltered. The departmental council was convicted in June 2017 for non-compliance with one of these orders and then convicted again in December that year. Non-compliance happens despite the financial pressure to speedily execute such court decisions, and is penalised with a 150-Euro fine that the department must pay if it does not execute the decision of provisional placement within 48 hours.

After the occupation of the Saint-Ferréol Church, the situation has changed, however. As Anne tells me: ‘What has changed is that civil society has taken over, with many volunteers sheltering minors who were previously on the street’ (Interview conducted in February 2019). This occupation also resulted in the opening of additional emergency reception centres by the department, for the UAMs awaiting their evaluation. But what allowed them to ‘breathe,’ a term used by lawyers and other activists to signal relief from the pressure to find homes for the minors (and in particular by the association Katilla, dedicated to UAMs since January 2018), was the occupation on 18 December 2018, of a building belonging to the diocese and located in front of the departmental council, the ‘59 St.-Just’ squat. It was occupied by a

collective of asylum seekers, unaccompanied minors and supporters who share their struggles: Access to accommodation provided for in the National Reception Scheme for adults and their children, access to the shelter for which the departmental council for isolated minors is responsible,

as the Facebook page reads. However, even if the ‘front’ is presented as common, the interests of the supporters of families and those of the UAMs may differ with respect to the strategy to adopt towards justice, since UAMs have a right to protection as minors that does not apply to adults identified as ‘irregular migrants.’

'Deminorisation'

In 2019, Anne's temporal struggles increasingly concerned 'deminorised' young people. This is one of the first terms I learned in my discovery of the language of UAM supporters. The term describes the fact that a person may have been recognised as a minor in one department but when he or she arrives in another department, that department no longer recognises him or her as a minor. The threat of deminorisation may also be linked to investigations carried out after access to protection, leading to situations where people are 'stuck between ages.' This was the title that the daily *Libération* of 27 February 2019 gave the article by Kim Hullot-Guiot on the situation of N'Diawar, a young Malian resident in the department of Doubs whose age was under dispute. While N'Diawar stated 16 as his age, the authorities assessed his age to be 19. In this case, the date of birth recorded for visa entry when the trip took place by plane had been changed by N'Diawar's mother. But this is a common situation, and the date could also have been changed by 'smugglers'²² or as a result of the use of false identity documents to travel. Together with Eurodac, Visabio is one of the mechanisms in the European Visa Identification System, a European Union database that came into force in October 2011. It collects biometric information, including the fingerprints and faces of all applicants for a short-stay visa in the Schengen area, and is one of the largest biometric databases in the world. In fact, it is in connection with this that the project for a biometric file of UAMs was designed, the principle of which came into force in September 2018.

The term 'stuck' is remarkable because it usually refers to movement and to the impossibility of movement. However, in this case it refers to a temporal rather than a spatial dimension, since it describes a 'place' between two ages. Moreover, it presupposes immobility and waiting, here subject to a judicial decision. It testifies to the liminality of the UAMs located at this strategic place between the two 'thresholds' of the transition from childhood to adulthood, described as a grey area by some social work professionals. It also testifies to the paradoxical nature of this form of waiting: Waiting for access to adult status is socially valued in many contexts, and behind every migratory project lies the expectation of social advancement and success as the only way to return 'triumphant' from the paths of exile (Sayad, 1991). In the case of age assessment of UAMs however, waiting is directed towards access to the status as minor – a status that will allow one to be recognised as still being a 'child.' Such waiting to obtain the status as a minor makes integrating into schooling or entry into training schemes difficult, and thus puts possibilities of social advancement and success on hold.

But liminality, which has often been seen as constitutive of waiting in situations of irregular migration (see Jacobsen & Karlsen, 2020 for a problematisation of this approach), presents a singularity here. In the present case it concerns a liminal situation (Turner, 1967) which has been much researched in anthropology, the uncertain time between childhood and adulthood.

The migration of minors has been described by some anthropologists as a form of ‘rite of passage,’ aimed at making ‘real men’ of those who go down the road of exile and uncertain adventure (Monsutti, 2007). However, as Chiara Galli (2018) rightly points out in her ethnography of the judicial treatment of minors from Honduras, El Salvador, Guatemala and Mexico City in the United States, the preparation of asylum applications by legal actors implies what she calls a ‘rite of reverse passage.’ The arguments put forward to be legitimately recognised as a child involve forming an infantilising and victimising narrative, thereby erasing any form of *agency*, in order to gain access to a safe haven.

Another problem encountered by Anne, which has also been documented in other departments, is the widespread suspicion of the authenticity of the civil status documents produced. As a result, documents authenticated by embassies and consulates of the countries of origin can be seen as non-compliant. Some of the minors with whom she has been in contact have found accommodation at the Saint-Just squat; ‘they start school even faster through this squat than if they are followed by Child Welfare,’ she tells me. In April 2019, 179 minors left the squat after being taken into care as UAMs pending the results of their assessments. They were then mainly housed in hotels with a level of care described as ‘low cost’ by social work professionals specialised in their care. The ‘low cost’ dimension of this care in particular has been denounced after the suicide attempt in August 2018 of a 15-year-old from Mali who had been staying at the hotel for several months after a gruelling journey.²³ Waiting to finally continue his studies and the five hotel changes he had to make in a few months took away all hope. As a response to the suicide attempt, a rally that lasted for several days was mobilised in front of the departmental council. The banners of UAMs and their supporters denounced the lack of educational and social support for minors, who were supposed to be under the protection of the department.

Discursive uses of waiting

In the speech of the prime minister’s representative before the judges of the Constitutional Council at the March 2019 hearing about the biometric files put in place by the new asylum law, temporal arguments were crucial, even preceding that of the necessity of coordination.²⁴ It was the much-needed *speeding up* of reception procedures and the end of long waits for protection that the highly controversial biometric database for UAMs was intended to achieve (see also Jacobsen, 2020). In so doing, as the lawyer representing UNICEF France pointed out, France offers two objectives considered irreconcilable by the applicants: Combating irregular migration and protecting children. An open letter addressed to the President of the Republic by a dozen or so departments declaring that they refused to set up this file²⁵ brought their views to the forefront: The departments are responsible for child protection, not for the policy of combating illegal immigration.

The addition of a new player in the assessment process, the departmental prefectures, and the exchange of information between Child Welfare and the prefectures for the creation of this UAM file, turned departments into actors in a policy that was previously not theirs. For the first time in its history, UNICEF France, together with 18 other associations or professional organisations in the fields of child protection, justice and the defence of the rights of foreigners, engaged in a contentious appeal that the Council of State brought before the constitutional judges, arguing that the database was in breach of the constitutional principle of protection of children's best interest.²⁶ In the face of these arguments, it was the urgency of the 'crisis' that was highlighted by the Prime Minister's representative, and the need to act faster and to put things in order by making use of this biometric file.

The feeling that they are agents of a policy that does not fall within the scope of child protection has also been expressed by social workers involved in the legal protection of young people and in the operation of ADDAP 13, the departmental child protection system in Marseille. This has manifested in professionals explicitly refusing to accompany minors to the prefecture to be registered on the biometric database by having their digital prints and a digitised photo taken before beginning the assessment process. The intensity of the crisis is also experienced and reported locally, but by describing issues that are rarely raised: That of the barriers that the UAMs have to break through when those from the Maghreb are treated worse than their peers (e.g. refusal of admission to hostels, systematic evictions); as well as the differences between those who are 'managed' by institutions for the legal protection of young people and those who are 'managed' by Child Welfare. The price per day differs (sometimes as much as double) and the institutions for the legal protection of young people have much better facilities than the Child Welfare services. In view of the vulnerabilities mentioned, it is therefore very difficult to 'find places' in structures where real support work can be given. Finally, mention is also made of the barriers between UAMs and other minors under the jurisdiction of Child Welfare, an institution that has structural shortcomings that have been brought to the fore outside the UAM issue on several occasions in the past two years²⁷ (Louffok, 2016).

'Ils jouent la montre' (they play for time) is the expression often used by Julie, an employee of the ADDAP 13 service dedicated to UAMs, when offering me her observations: Difficulties finding accommodation that is not a hotel and the refusal to receive UAMs in the houses and hostels dedicated to UAMs due to competition with non-migrant minors. Moreover, in a context where a growing proportion of these young people will soon turn 18, the means do not exist to deal with the multiple procedures and needs that this entails, such as the administrative procedures for regularisation or asylum applications. Access to a 'young adult' status, which requires support beyond the age of 18 so that there is no sudden rupture in the follow-up, is now associated in law with having been in the care of Child Welfare for at least 16 months. This new element of 'legally prescribed time' could have the

effect of a self-fulfilling prophecy, and might actually condition the forms of accompaniment:

More and more young people are arriving at around the age of 16; by the time they have been received or recognised as minors, the system's players already know that they will not get the 16 months of consecutive care before they turn 18, and that they will not really be able to accompany them. So they (foster homes and social workers) 'play for time' by managing the wait until the age of 18 when they leave the system, because they already know they won't be able to follow them beyond that... .

(Interview with an ADDAP 13 employee, August 2019)

Practices in the use of forensic medicine

For 2 years I regularly talked to Anne about the practice of resorting to bone tests in her experience as a lawyer. First of all, she explained to me that there is a wide range of appeals to medical experts requested by the prosecutor's office or a juvenile judge. She has in her records X-rays of teeth only or wrists only, obtained by city medical practitioners without there having been a meeting with the alleged minor. Likewise, there are cases in which a margin of error was not specified. In November 2017, I received a message from Anne asking if I knew the authors of an article on the Greulich and Pyle Atlas, since it had just been used by the Air and Border Police to justify the relevance of bone tests. When I mentioned this to two of the authors of the article, they were very surprised that it had been quoted in such a context. In our last interview, in July 2019, Anne gave me two examples of the practice of using these tests, while noting that she had little respect for them.

For a while we had these famous expert examinations that we tried to undermine. I have the impression that there are fewer like that. There is a doctor that I like very much because she does really detailed examinations: She meets them, asks them about their background, what they ate, their social background, she takes the size, the weight, she looks at the bones of the hand, the teeth... the examination is 10 pages long. And for children between 16 and 19 years of age she is honest in saying she cannot know for sure! Yesterday I had the situation of a child who got a negative response from the border police, which I questioned. The judge was about to issue a Provisional Placement Order, and then relented and asked me what I thought of bone tests. Since we are more likely to get protection with a limited assessment, I agreed. And then the Judge says to me 'it won't be Doctor X (who she had just mentioned) at least?' (she laughs) (...) And of the deminorised people that I had, two had received a negative assessment, and so in those cases I asked for bone tests in desperation.

Given that bone tests generally resulted in more positive results for the protection of minors than social evaluations of age, Anne, while initially very critical of these tests, had actually resorted to asking for them. She also returned to the fact that a large number of minors are not in contact with a lawyer or the children's judge. However, the figures for Paris and the Ile de France show that 50% of negative age assessments are overturned by the children's judge.

Conclusion

Over the past two years, UAMs have become, in the words of Doctors Without Borders, 'the symbol of an abusive policy' (MSF, 2019). This report documents not only the multiple dimensions and health consequences of the migratory journeys experienced by these minors but also the impact of their living conditions on their health. Other reports from national institutions refer to this as a 'humanitarian crisis.'

The creation of a new 'humanitarian population,' a place of tensions and controversies, offers major drawbacks to the logic of prioritisation. As has been documented in other contexts, 'age disputes' (Smith & Marmo, 2013) attest to the fact that the tools for its assessment have become biopolitical objects of and procedures for the government of borders. While the biometric worlds of this government have been explored (Olwig, 2019), the fact remains that identification is a central issue for managing migrants. The field of forensics should be studied as part of this management, both in terms of the 'temporal violence' of age assessment procedures and the postponement of access to protection and rights, and also as a key element of an emerging forensic infrastructure for the identification of the living and the dead (Cattanéo, 2019).

The situations mentioned are perfect examples of the plurality of forms of waiting and of temporalities: Waiting for shelter, for obtaining legal administrative status, for school or for professional integration is combined with social and legal timeframes, markers of differentiation and thresholds between childhood and adulthood. The entanglement of situational and existential waiting (Dwyer, 2009) is marked here by the ambivalence of the reverse rite of passage constituted by recognition as 'minor.' Social expectations of success that often characterises the migration journey in the eyes of those who remain in the country (Sayad, 1999), or expectations to 'become a man,' can weigh on the shoulders of these young people when the status of 'child' is at the same time the only one that is deemed deserving of protection.

Notes

- 1 Emmaüs, Médecins du monde, La Cimade, RESF, Collectif soutien Migrants13/Al Manba.

- 2 LOI number 2018-778 du 10 Septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie.
- 3 See the UNICEF-IRC research program titled 'Children on the move.' Available from: <https://www.unicef-irc.org/research-watch/Children-on-the-move/>. (accessed 15/05/2020).
- 4 In France, the administrative units called departments are responsible for the reception and accompanying of unaccompanied minors.
- 5 Notes taken as part of a meeting of a social workers' collective, Marseille, June 2019.
- 6 In January 2018, the court of Nice overturned the decision of the authorities, which deported a 12-year-old Eritrean minor to the border (see <https://france3-regions.francetvinfo.fr/provence-alpes-cote-d-azur/alpes-maritimes/menton/nice-tribunal-retoque-administration-avoir-reconduit-erytreen-mineur-frontiere-1407727.html>; accessed 15 May 2020). ANAFE and Human Rights Watch reports on the French Hautes-Alpes (2019) have documented similar events.
- 7 See <https://www.ecre.org/council-of-europe-report-maps-age-assessment-practice-and-issues-across-europe/>. (accessed 15 May 2020).
- 8 See <https://www.nouvelobs.com/societe/20190906.AFP3953/majeur-ou-mineur-d-un-departement-a-l-autre-la-roulette-russe-pour-les-jeunes-migrants.html>. (accessed 18 May 2020).
- 9 The social history of reference atlases for bone X-rays and the range of uses and contexts of these tools will be the subject of another paper.
- 10 Such as England or Germany.
- 11 These were previously used in the context of crimes committed by people without civil status documents.
- 12 Civil status review and social assessment.
- 13 Circulaire interministérielle du 25 janvier 2016 relative à la mobilisation des services de l'Etat auprès des conseils départementaux concernant les mineurs privés temporairement ou définitivement de la protection de leur famille et les personnes se présentant comme tels NOR: JUSF1602101C. See http://www.textes.justice.gouv.fr/art_pix/JUSF1602101C.pdf.
- 14 Judgement number 1020 of 3 October 2018 (18-19.442) – Court of Cassation – First Civil Chamber – ECLI:FR:CCASS:2018:C101020.
- 15 These organizations include GISTI, Cimade, Doctors of the World, Catholic Relief and the Human Rights League.
- 16 See https://www.lemonde.fr/societe/article/2019/03/21/le-conseil-constitutionnel-valide-les-tests-osseux-pour-les-jeunes-migrants_5439373_3224.html. (accessed 18 May 2020).
- 17 Social children's homes, structures financed by the Child Welfare Services.
- 18 IMéRA is the Institute for Advanced Study at the Aix-Marseille University. See <https://imera.univ-amu.fr/fr/agenda/journee-detude-corps-soin-pudeur-lexil-lintime-au-politique>. (accessed 15 May 2020).
- 19 Office Français de Protection des Réfugiés et Apatrides (French office for the protection of refugees and stateless persons).
- 20 Available from: https://www.ofpra.gouv.fr/fr/asile-la-procedure-de-demande-d-asile-et#suivi_msf. (accessed on 15 May 2020).
- 21 This measure can be interpreted as one of the modalities of 'sexual humanitarianism' referred to in the work of Mai (2018).
- 22 For more on 'smugglers' and their practices, see, for example, Khosravi (2010).
- 23 See <https://www.mediapart.fr/journal/france/200918/marseille-les-mineurs-etrangers-sont-balades-d-hotel-en-hotel?onglet=full>. (accessed 15 May 2020).
- 24 Video available online at: https://www.anas.fr/Video-de-l-audience-au-Conseil-Constitutionnel-de-la-QPC-n-2019-797-au-sujet-de-l-article-51-de-la-loi-asile-et_al398.html. (accessed 18 May 2020).

- 25 According to the law there is no obligation to participate, it's a principle of 'volontariat.'
- 26 See <https://www.conseil-constitutionnel.fr/actualites/communiquedecision-n-2019-797-qpc-du-26-juillet-2019-communiquedepresse>. (accessed 15 May 2020).
- 27 See http://www.assemblee-nationale.fr/dyn/15/rapports/miaidenf/115b2110_rapport-information. (accessed 15 May 2020).

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10 An end to asylum?

Temporary protection and the erosion of refugee status

Jessica Schultz

Introduction

The literature on refugees' precarious legal status in the Global North has largely focused on three populations: asylum seekers (Mountz, 2011; Schuster, 2011; Rotter, 2015), temporary protection visa holders (Bailey et al., 2002; Menjivar, 2006; Abrego & Lakhani, 2015; Tize, 2020) and people whose asylum claims have been denied but who cannot or will not return to their countries of origin (De Genova, 2002; Griffiths, 2014; Hasselberg, 2016). Many individuals move between these forms of status at various points in their lives.

In this chapter, I draw attention to the precarious legal status experienced by people who are, in fact, *recognised* as refugees under the 1951 Refugee Convention ('Convention refugees'). By this I mean that their asylum claim is approved based on a 'well-founded fear of persecution' in their country of origin, on grounds of their race, religion, political opinion, nationality or social group (*The Convention relating to the Status of Refugees*, 1951). While previously so-called Convention refugees could expect permanent residence permits within a limited and predictable period of time, this expectation has been eroded by a number of different policies pursued, with increasing assertiveness, by Australia, the United States, Canada and within Europe (European Council on Refugees and Exiles, 2016; hereafter ECRE, 2016). These include periodic checks of a refugee's continued need for protection and shorter-term residence permits. While a 'final' decision on refugee status has been described as a much-anticipated end to months or even years of refugee waiting (Rotter, 2015: p. 86), these new and intensified policies prolong uncertainty concerning permission to remain in the country of refuge.

I divided the chapter into three parts. After first providing context for the turn towards more temporary protection in Europe, I move to a normative discussion about the role of time in refugee law. How does the law balance the rights of refugees acquired over time in the country of residence with a state's interest in excluding people it believes no longer have a need for protection? One way the Refugee Convention moderates this tension is by conditioning the cessation of refugee status because of improved conditions

in the country of origin on proof that the changes are durable. Meanwhile, human rights law recognises that ‘settled migrants’ (people with long-term legal residence) may have a right to remain if their familial and private attachments are stronger than the state’s reasons for removing them. Although the passage of time therefore has a purposeful dimension under international law, its significance is devalued through the *interpretation* of the law by national courts. The final part of the chapter illustrates this point through two supreme court judgments from Norway concerning cessation of refugee status and the subsequent revocation of a residence permit. The two cases, both involving Afghan women with children, reveal how narrow legal reasoning and prolonged administrative procedures maintain a facade of legal security while reinforcing the ‘invisibility, immobility, uncertainty and arbitrariness’ associated with chronic waiting (Khosravi, 2014: p. 74).

The temporary turn in European asylum policies: prolonging protracted displacement

Following the large numbers of asylum seekers claiming protection in late 2015, European countries responded with a range of new or intensified measures to contain and deter refugees. In addition to policies aimed *outside* their borders, including extraterritorial processing regimes and third-country transfers, states also adopted policies that reduced the security of stay *within* them. These policies include granting refugee subsidiary forms of protection with fewer entitlements; reducing the duration of residence permits; introducing protection reviews to assess the continued need for asylum; and applying integration-related requirements (such as income minimums, knowledge tests, etc.) for family reunification and permanent residence. Previous policies that provided refugees a clear path to long-term residence have been replaced by measures that result in premature return to unsafe areas or ‘permanent temporariness’ (Bailey et al., 2002; Tize, 2020) in the country of residence.

Temporary protection policies are nothing new in the practice of refugee law. While the primary legal instrument, the 1951 Refugee Convention, has traditionally been interpreted to provide longer-term protection (O’Sullivan, 2019a), states also grant complementary forms of protection to refugees who may not meet convention criteria but face a risk of serious harm if returned to their countries of origin (McAdam, 2007). The subsidiary protection status regulated by the EU Qualification Directive is one example. This status often comes with a shorter-term residence permit (ECRE, 2016). Further, states have periodically established explicit regimes of temporary protection as extraordinary measures in response to conflicts and disasters (Fitzpatrick, 1994; Ineli Ciger, 2018). In the 1990s, for example, refugees from the Balkans typically received temporary status with the assumption that they would return as soon as war ended. In the United States, Temporary Protection Status (TPS) may be granted to nationals or previous

residents (if stateless) of countries experiencing ‘temporary’ problems like armed conflict, an environmental disaster or an epidemic. TPS visa holders have the right to work and travel, but no path to permanent residence despite, in some cases, holding this ‘temporary’ status for decades. What is novel about more recent policies, however, is that they erase the distinction – in theory at least – between refugees recognised under the Refugee Convention and forcibly displaced persons facing other, potentially less sustained, threats.¹ Instead of serving as a supplementary or exceptional response, temporary policies now infiltrate the mainstream practice of refugee law.² The focus of this practice has shifted from criteria for inclusion (i.e. (who *qualifies* for refugee status?)) to those for exclusion (who can *return*, how fast, and to where?). The consequent approach to protection, based principally on minimalist duties of ‘non-refoulement’ (non-return) to persecution or serious harms, represents a convergence of the rule and its exception as a technique of sovereign control (Karlsen, 2015: p. 59). ‘Future returnee’ is the new refugee.

While many exclusionary policies are procedural in nature (i.e. rules governing where an asylum claim may be lodged), or relate to the type of permit granted, others are based on restrictive interpretations of the *substance* of refugee law. They challenge, in other words, long-standing assumptions about who qualifies as a Convention refugee, and for how long. One example is application of the so-called internal protection alternative (IPA) exception to refugee status, which results in return to the country of origin even if a person’s place of previous residence remains unsafe (Schultz, 2019). Another, as mentioned earlier, involves the periodic review of whether refugee status is still warranted. The Refugee Convention permits cessation of refugee status under certain conditions, including when the refugee ‘... can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality’ or, if the person is stateless, the country of previous residence (Articles 1C(5) and (6)). Thus, while states *may* cease refugee status under certain conditions, they have rarely done so in individual cases (O’Sullivan, 2019a). With the exceptions of Germany and Australia, states have typically granted refugees permanent residence either immediately or at least predictably within a relatively short time (ECRE, 2016).

This commitment to provide a stable refugee status is clearly eroding. Canada,³ Denmark,⁴ Norway and Sweden⁵ have all adopted policies involving the proactive review of a refugee’s continued need for protection. In Denmark, the threat of cessation even applies to resettled refugees, who already, in theory, have a ‘durable solution.’⁶ The proposed EU Qualification Regulation would introduce *mandatory* reviews of refugee status in connection with the renewal of residence permits.⁷ The introduction or extension of non-protection related criteria for permanent residence, meanwhile, means that more refugees have temporary residence permits for longer periods of

time. This exposes those with the least resources to reviews of their continued need for protection whenever they apply for renewal.

The threat of cessation and revocation of residence prolongs insecurity of status and impedes long-term planning. As Ramsay describes in her work on resettled refugees in Australia, the ‘conventional refugee narrative’ involves ‘moving from a distinct point of displacement to a distinct point of resolution’ (Ramsay, 2017: p. 515). I discuss later how this linear, progressive narrative is also reflected in law. With cessation practice, however, the positive modality of waiting in anticipation of receiving refugee status (Rotter, 2015: p. 85) is replaced by chronic uncertainty. Like other policies of temporary protection, the threat of cessation can lead to mental health problems, withdrawal from education, language and work training, and housing and employment insecurity (UNHCR, 2018: p. 27; Brekke et al., 2019). Long and ambiguous processing times intensify uncertainty and immobility, as other applications (for permanent residence, family reunification, citizenship or travel documents) are suspended until there is resolution on the question of refugee status (Brekke et al., 2019: p. 4).

A final decision to cease status or revoke residence does not necessarily resolve this insecurity. In some cases, the consequence of cessation is irregular status for those who will not or cannot return. In other cases, refugees join the ranks of the internally displaced within their countries of origin. Even those eligible to remain in the country – for humanitarian reasons including best interests of a child, family reunification or the opportunity to study – may lose entitlements, like the right to adult education, while those applications are determined. A permit provided for humanitarian reasons meanwhile may be formally limited in terms of duration and the rights that derive from that status. It may specify, for example, that it is non-renewable, does not include a right to family reunification, and/or does not provide a basis for permanent residence.⁸ In short, far from providing a longed-for ‘solution,’ the ultimate granting of refugee status prolongs what for many refugees has already been a protracted situation of forced displacement.

Durable solutions and the legal dimensions of ‘refugee time’

To understand the legal relationship between refugee status and the end of displacement, it is necessary to interrogate what Durieux (2015: p. 226) calls the two dimensions of ‘refugee time.’ The first dimension relates to the passage of time (‘time as attachment’) and opportunities to re-establish one’s life and livelihood. While states have no obligation to grant refugees a specific residence status, they must provide a basket of rights and benefits that accrue over time. These rights and benefits increase as the refugee’s relationship to the state evolves from simply being subject to its jurisdiction to eventually being habitually resident, which is defined as a stay of 3 years or longer (Hathaway, 2005: p. 190).

Refugees who are lawfully staying have a right to the same treatment as nationals when it comes to primary education, welfare and social security. Meanwhile, in terms of employment, housing and post-primary school, states are obliged to ensure the same access – at a minimum – as that enjoyed by other non-nationals in the ‘same circumstances.’⁹ Those who have completed 3 years of residence on a state’s territory are exempt from any restrictive measures imposed on the employment of foreigners. While the Convention stops short of requiring states to naturalise refugees, states are explicitly encouraged to do so.¹⁰ In other words, the Refugee Convention establishes a linear trajectory in which the passage of time results in increased attachments to society, consistent with the state-centric concept of refugee-hood that motivated the post-war Convention regime.

Full membership is, however, conditioned by a second dimension of ‘refugee time:’ ‘Time as a deadline,’ meaning the eventual end of refugee status (Durieux, 2015).¹¹ While the logical consequence of long-term stay is naturalisation, the Convention also opens for cessation of refugee status before this happens, under two types of conditions. The first type encompasses voluntary acts of the refugee, like moving back to the country of origin, or taking a new citizenship somewhere else. The other type, as mentioned earlier, refers to changes within the country of origin that remove the need for international protection.

Cessation following changes in the country of origin requires more than the absence of conditions giving rise to refugee status. Changes must be significant and ‘non-temporary,’ meaning that the state is once again able and willing to provide durable protection (O’Sullivan, 2019a). This ‘double guarantee,’ as Einarsen (2000: p. 531) describes (no risk of persecution plus long-term protection), balances asylum states’ interest in controlling membership with a ‘clear commitment to avoid the constant uncertainty’ associated with ongoing reassessment of refugee status (Hathaway & Foster, 2014: p. 477). While dramatic events like a democratic transition can occur quickly, many of today’s refugee-producing countries are beset by complex conflicts where the consolidation of peace is a halting, difficult process. Therefore, the criteria required for the cessation of refugee status are rarely met within the time period for which most temporary permits are granted.

The requirement of non-temporary protection ensures that cessation practice aligns with broader aims of refugee law: to secure a ‘durable solution’ to the problem of forced displacement, meaning (1) return home when it is safe to do so (voluntary repatriation); (2) local integration (settled status in the country of asylum); and (3) third-country resettlement.¹² Although these outcomes are not specified in the Convention, they are an integral part of the practice of refugee protection (UNHCR, 2003: para. 6; UN Global Compact on Refugees, 2018). Application of refugee law should therefore, as far as possible, reduce the precarity of life in exile or as a ‘returnee’ in the country of origin. This is achieved by providing those who qualify with a stable legal status, protection and opportunities for productive activity in the country of residence. When conditions in the country of origin have

improved, cessation depends on the possibility of a sustainable, secure return. This precludes applications of law that would require a ‘returnee’ to join the ranks of the internally displaced.

Productive value of ‘settled time’ under human rights law

Attachments made over time at the local level are recognised in human rights law. In some cases, even if refugee status has ceased, a former refugee may retain the right to remain in the country of residence. In Europe, the rights to family and private life under the European Convention on Human Rights (Article 8 ECHR) apply to migrants irrespective of their status (Da Lomba, 2017: p. 3). This means that any interference by the state, such as deportation, must be deemed proportionate in light of the human interests at stake. While the right to family life usually is confined to core family members and may be exercised abroad, the concept of ‘private life’ covers a wide range of relationships outside the core family, encompassing the ‘network of personal, social and economic relations’ developed since birth (*Slivenko v. Latvia*, para. 96).¹³

In its expulsion jurisprudence under Article 8 ECHR, the European Court of Human Rights (viz. ECtHR) considers the ‘totality of social ties’ between the migrant and his or her community, and balances this against the state’s interest in removing them.¹⁴ In cases involving migrants who have committed crimes or violated their conditions of stay, states may claim an interest in upholding law and order or immigration control. For people whose refugee status has been withdrawn, meanwhile, the stated interest may be in preserving the institution of asylum for those who still need protection. The stronger the ties, and the less compelling the state interest, the more likely that Article 8 ECHR can be engaged as a defence to deportation.

While the length of stay is legally relevant, it is not determinative, particularly if the migrant has irregular status. While all long-term migrants have developed a private life in a host state, the ECtHR distinguishes between ‘settled migrants’ and those with a precarious status. For people who have lawfully spent most of their youth in a country, the state must have strong reasons to expel them – usually a serious criminal record.¹⁵ Irregular migrants, on the other hand, are presumed to have more ‘tenuous ties’ to the host state (Da Lomba, 2017: p. 4). Therefore, the bar for deportation is lower. As discussed later, temporary visa holders, especially those who have resided in the removing state for a modest amount of time, occupy a grey zone in this jurisprudence. They are not irregular (out-of-status), but nor are they provided the security of residence associated with ‘settled migrants.’

Distortion and devaluation of ‘refugee time’: the practice of temporary protection in Norway

The policies introduced or intensified in Norway following the record numbers of asylum claims in late 2015 are based on interpretations of law that distort the two dimensions of ‘refugee time’ and reduce the security

of stay for people with a recognised right to protection. These policies did not arise in a vacuum; although Norway as a non-EU state is not bound by the Common European Asylum System (CEAS), it pursues a policy of alignment with CEAS legislation. In addition to seeking inspiration at the EU level, Norwegian authorities closely monitor policies of neighbouring states, especially Denmark and Sweden (Brekke & Staver, 2018: p. 5). Its laws and practices both reflect and influence developments more broadly in Europe.

In November 2015, all but two parties in the Norwegian parliament presented an 'Asylum Agreement' including 18 measures to address the perceived crisis of refugee arrivals. One measure, focused on 'temporary residence,' states that immigration authorities may immediately start the process of revoking temporary residence permits when improvements in the country of origin have taken place.¹⁶ Parliament also asked the government to propose temporary protection regimes that do not provide a path to permanent residence;¹⁷ to introduce new integration criteria for permanent residence;¹⁸ and to restrict family reunification for refugees.¹⁹ The Ministry of Justice and Security consequently released a hearing note with proposed amendments to the Immigration Act.²⁰ This 150-page document included the increased use of temporary permits, longer qualification periods for permanent residence, restrictions on access to family reunification and an expanded scope for application of the IPA. A final proposal was presented to the parliament in April 2016,²¹ which approved amendments to the Immigration Act in June 2016.²²

The new laws increased the time period for applying for permanent residence after receiving a temporary protection permit from 3 to 5 years. The prospects of temporary protection lasting beyond 5 years, meanwhile, were expanded through the introduction of non-protection-related requirements for permanent residence including proof of economic self-sufficiency, local knowledge and language skills. While neutral in form, these measures disproportionately affect female refugees who for many years after arrival participate at a significantly lower rate in the labour market than men.²³

A new provision on collective temporary protection was introduced, which explicitly does not serve as the basis for an eventual application for permanent residence. Finally, the scope for granting a time-limited, non-renewable residence permit for unaccompanied minors was expanded as a consequence of changes to the criteria for refusing refugee status on the basis of an IPA.²⁴ This means that if a minor can return to a safe area no matter how unreasonable the consequences (e.g. being separated from family, having no access to schools), he or she does not qualify for refugee status. When Norwegian authorities nonetheless determine that the minor would not have an adult caregiver in the proposed area of return, a temporary residence permit may be granted for those under the age of 18 years.

Pursuing an end to protection: cessation and revocation of residence

Another policy change involved intensified efforts to identify people whose refugee status and/or residence permit may be withdrawn. Although the legal basis for cessation is clearly spelled out in Norway's Immigration Act, actual cessation practice was, until 2016, limited to a handful of deportation cases involving serious crimes. The high administrative costs involved and the fact that those affected often have a right to remain on alternative grounds were among the reasons why this provision was not prioritised.²⁵ This changed as a result of political pressure to intensify return activities and, as the numbers of refugee arrivals fell in 2016, an increased institutional capacity to process such cases (Brekke et al., 2019: p. 18). Cessation activities have been pursued as part of a broader effort to identify people whose residence may be revoked, including for reasons related to fraud or error.²⁶

In April 2016, the Ministry of Justice and Security issued an Instruction to the Immigration Directorate on cessation of refugee status and revocation of residence permits.²⁷ While the Immigration Act *permits* cessation of refugee status, the Instruction *requires* that caseworkers apply the cessation provisions when conditions are met. In addition, they must consider cessation and eventual revocation when processing applications for permanent residence. The Instruction do not apply to refugees who already possess permanent residence, are resettled from third countries or have received collective protection in a mass influx situation.

So far in Norway, Somali nationals have been most affected by this change of practice. In 2016, the Immigration Directorate had sent its first warning to 120 refugees from Mogadishu, informing them that cessation and revocation would be considered in connection with their applications for permanent residence (Strand, 2016). By way of explanation, it stated that since the withdrawal of al-Shabaab in 2012, the situation had appeared to stabilise. The Grand Board of Immigration Appeals reviewed this practice in 2017.²⁸ It confirmed that the cessation analysis required a 'margin of security,' meaning that the grounds for refugee status disappeared *and* that the improvements in the country of origin appeared to be durable. When applying this standard to the facts in Mogadishu, a majority found that despite the state's inability to enforce the rule of law, adequate protection could be secured from the strong clan system. Despite the insecurity this practice unleashed, most of the affected refugees have been able to remain on other grounds (Brekke et al., 2019).

The Norwegian supreme court has recently decided two cases involving the cessation of refugee status and subsequent revocation of a residence permit. These judgments provide more insight into how the courts interpret 'refugee time' and contribute through their reasoning and procedures to prolonged insecurity – particularly for women and children. The first, from March 2018, addressed the legal criteria for ceasing refugee status under the Immigration Act.²⁹ The second, decided some months later, did

not substantively review the cessation decision. Instead, the court examined whether the subsequent revocation of a temporary permit interfered with the plaintiffs' right to private and family life under Article 102 of the Norwegian Constitution and Article 8 ECHR.³⁰ Interestingly, both cases concerned Afghan women who came to Norway alone with young children, and who could not return because of their 'well-founded fear of persecution' (§28 para 1(a) of the Immigration Act). The absence of a male partner was decisive in both cases for the decision to grant protection.

In the first case, an Afghan woman and her daughter came to Norway in 2011, after being separated from the woman's partner in Greece. They received refugee status because their home area in Jaghuri district was insecure and, in the absence of male protection, they could not be returned to a safer part of the country. When the woman's partner arrived in Norway, his asylum application was rejected, and his family received notice of cessation and revocation of residence rights. The question before the supreme court concerned interpretation of the cessation provisions of the Immigration Act. Did it require simply that the family no longer fulfilled the criteria for refugee status, as the Norwegian state argued? Or, consistent with the 'double guarantee' advocated by UNHCR and others, did it also require a showing of *durable* protection on the part of the Afghan government? Since the Immigration Appeals Board's decision was based on its conclusion that Jaghuri was no longer unsafe, the court determined that it had erred by not considering whether the change in security had stabilised. Importantly, the court confirmed that the criteria for cessation involve more than simply the absence of persecution or serious harm.³¹ Effective, non-temporary protection is also required. The court also seemed to recognise the careful balance of 'refugee time' constructed in law by noting that foreigners who had adjusted to life in Norway should not be returned to a precarious existence that can easily lead to further displacement and a new claim to refugee status.³²

The case was then remanded to the Immigration Appeals Board, which based its new decision on the possibility of return to Kabul instead, if conditions in Jaghuri did not meet the cessation criteria. The Oslo district court confirmed this conclusion. It held, however, that while the requirement of 'fundamental and stable' change applies to the claimant's home area, it does not apply to *other areas*.³³ In an IPA like Kabul, the only consideration would be whether the claimants have a well-founded fear of persecution or face a real risk of serious harm. Despite evidence of Kabul's deteriorating security situation, the court concluded that conditions there did not meet that threshold. In other words, it upheld a *broader* scope for cessation of refugee status and revocation of residence when return is to a situation of internal displacement than if the refugee could return safely to his or her previous home.

To illustrate the absurdity of this logic: In the Somali cases, cessation of refugee status for persons from Mogadishu could take place if changes there are stable and durable, but refugees *not* from Mogadishu could be returned

there under less secure conditions. In this case the court constructs time (short-term protection) and space (somewhat safe places) in ways that not only expand the state's power of exclusion beyond its normative bounds but expose refugees to new forms of legal and physical precarity in their countries of origin, as internally displaced persons.

The second judgment, decided 6 months later, concerned another Afghan woman (called 'B' in the anonymised court summary), who came to Norway with her 2-year-old daughter in October 2011. B stated that she and her current husband fled their hometown of Herat in Afghanistan to escape threats related to her forced marriage to another man. On the way to Norway following a 3-year stay in Iran, the couple was separated in Greece. Although the Immigration Directorate acknowledged that B could have a 'well-founded fear of persecution' on multiple grounds, her temporary residence permit was granted in 2012 on the basis that she was a 'single Afghan woman without a male network.'³⁴ After her husband turned up in Norway, B thus received notice that her refugee status, along with her daughter's, would be recalled as the conditions for which they were granted protection no longer existed. The question for the supreme court was not whether this decision was correct (although it did confirm the appeals court's conclusions). Instead, the issue was whether the resulting revocation of her temporary residence permit was consistent with the right to private life under Article 8 ECHR and Article 102 of the Norwegian Constitution.³⁵ B's attorneys argued that as a 'settled migrant' she had a protected right to a private life, and that the revocation decision was a disproportionate interference. During the 4 years and 4 months that B and her daughter had lived in Norway until their final revocation decision, they had settled into the local community and learned Norwegian. The daughter had attended kindergarten and school.

The court, meanwhile, agreed with the Norwegian state's argument that the applicants, given the temporary nature of their residence, were not 'settled migrants' for the purpose of protection of private life. Noting that the ECtHR distinguishes between irregular migrants and 'settled migrants,' the court concluded that formal residence is a necessary but not sufficient condition for qualifying as a 'settled migrant' under Article 8 ECHR. It found a 'long-term perspective' decisive, meaning that migrants with permanent residence are settled, while those with temporary permits typically lack a reasonable expectation of stay.³⁶ Exceptionally, Article 8 can apply when the temporary status is prolonged over an extended period of time – here the court referred to a judgment from the ECtHR in which the applicant's temporary residence lasted two decades.³⁷ In the present case, however, less than 5 years had gone by between B and her daughter's arrival and the final administrative decision. The court dismissed evidence of their integration as 'typical' and therefore not legally relevant.³⁸ There was no independent evaluation of the daughter's best interest in this case, even though she spent the bulk of her childhood, from 2011 in 2018, in Norway.

If the first case underscored the tension between ‘time as attachment’ and ‘time as deadline,’ this judgment is directly concerned with the legal value of ‘time while temporary.’ First, it reinforces a disconnection between ‘settled migrant’ status and the actual passage of time in country. Protection of a human right becomes dependent on formal categories of residence determined at state discretion. As noted earlier, refugees – especially women – may be subject to protracted temporariness for reasons like the inability to pass a language or knowledge exam – which may not reflect their actual ties to a community. The fact that the daughter, meanwhile, had spent most of her life in Norway was not deemed worthy of comment. As Iltstad and Bondevik (2016) describe, Norwegian administrative practice has typically distinguished between ‘kindergarten time’ and ‘school time,’ meaning that migrant children’s attachments to the community of residence are only perceived to start at around 6 years of age (Iltstad & Bondevik, 2016). For the purpose of determining a child’s best interest, and potentially his or her right to remain, little weight is accorded to non-familial attachments formed during the earliest years.

Finally, refugee time is not only devalued but suspended during the period of appeal following the immigration authorities’ final decision.³⁹ The applicants’ attachment to Norway is assessed at the point in which the administrative decision to revoke residence was made. The passage of nearly 2 years from this point to the supreme court’s judgment, and the applicants’ incremental inclusion in Norwegian society (especially for the daughter) during that time, was found irrelevant.

Precarity of protection and the passage of time: concluding reflections

This chapter has explored the precarity created by novel state practices of refugee law. While a decision to grant refugee status has traditionally signalled an end to waiting for resolution of a refugee claim, these new and enhanced policies prolong insecurity for a potentially indefinite period. Proactive reviews of a refugee’s continued need for protection and more limited paths to permanent residence upset the careful balance established under law between two dimensions of ‘refugee time:’ Gradual inclusion in the community of residence (‘time as attachment’), on the one hand, and the possibility of return when conditions have improved (‘time as a deadline’), on the other hand. In principle, the tension between these two is managed by requiring that the withdrawal of status depends on *durable* protection in the return state.

In practice, however, Norway and other states have endorsed clans and even the institution of marriage as providers of protection for the purpose of withdrawing refugee status. They argue this protection may be limited to specific spaces in an otherwise unsafe environment. Arguments based on non-state protectors and ‘returns’ to internal displacement create a

disconnect between application of law and the lived experience of refugees – especially for women made dependent on male relatives for their mobility and protection. Children, meanwhile, suffer disproportionately from the practice of relying on the final administrative decision to ‘set time’ for assessing their rights or best interest. Large parts of their lives may be discounted. These constructions of time and space illustrate how temporary protection, introduced by states as an alternative to Convention Refugee status, has infiltrated the Convention regime and eroded the solutions orientation of refugee law.

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Notes

- 1 In reality, many refugees who meet the criteria set out in the Refugee Convention are not recognised as such, while, on the other hand, some protection needs that do not qualify as ‘persecution’ under the Refugee Convention may actually be as profound and long lasting as those that do. This suggests that differences in levels of protection based on normative distinctions between Refugee Convention refugees and beneficiaries of complementary protection risk being under-inclusive.
- 2 It should be noted that Australia has granted temporary status to Convention refugees for a longer period of time; first between 1999 and 2008 and then again since 2014. A brief overview of temporary status in Australia is available from: <https://www.kaldorcentre.unsw.edu.au/publication/temporary-protection-visas>. (accessed 12 February 2020).
- 3 Protecting Canada’s Immigration System Act, S.C. 2012, c. 17. Available from: https://laws-lois.justice.gc.ca/eng/AnnualStatutes/2012_17/page-1.html. (accessed 28 December 2019).
- 4 Changes to Danish immigration Act are described in a fact sheet published by the Danish Institute for Human Rights. Available in Danish from: https://menneskeret.dk/sites/menneskeret.dk/files/03_marts_19/faktaark_om_inddragelse_af_opholdstilladelser_-_med_header.pdf. (accessed 28 December 2019).
- 5 The law on temporary restrictions to obtaining a residence permit in Sweden. Available from: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2016752-om-tillfalliga-begransningar-av_sfs-2016-752. (accessed 28 December 2019).
- 6 For a critique of applying cessation to resettled refugees, see O’Sullivan (2019b). Available from: <https://www.asyluminsight.com/maria-osullivan#.XgNOSTsY2x>. (accessed 28 December 2019).
- 7 European Commission, Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, COM/2016/0466 final.

- 8 Article 38, Norwegian Immigration Act. Available from: <https://www.regjeringen.no/en/dokumenter/immigration-act/id585772/>. (accessed 13 February 2020).
- 9 Article 6 of the Convention provides that ‘the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.’
- 10 See also UNHCR (2002= *Agenda for Protection [Global Consultations on International Protection/General. A/AC.96/965/Add.1, Goal 5.4*. Available from: <https://www.refworld.org/docid/3d4fd0266.html>. (accessed 31 December 2019); UNHCR, ExCom Conclusion No. 104, Conclusion on Local Integration (LVI) 2005 para (j).
- 11 The loss of refugee status should not be confused with cancellation of refugee status, which happens when authorities discover that the grant of refugee status was an error in the first place, that is because material facts were misrepresented or if the exclusion provisions would have applied had relevant information been known.
- 12 See UNHCR’s Solutions webpage. Available from: <https://www.unhcr.org/solutions.html>. (accessed 29 December 2019).
- 13 *Slivenko v. Latvia*, App. No. 48321/99, ECtHR judgment of 9 October 2003, para. 96.
- 14 *Üner v. the Netherlands*, App. No. 46416/99, ECtHR judgment of 18 October 2006, para. 59 [Grand Chamber].
- 15 *Maslov v. Austria*, App. No. 1638/03, ECtHR judgment of 23 June 2008, para. 75 [Grand Chamber].
- 16 See Asylum Agreement (‘*Asylforlik*’) point 5. Available from: www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2015-2016/151203/2/#asylforlik. (accessed 28 December 2019).
- 17 Asylum Agreement (‘*Asylforlik*’) point 13. Available from: www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2015-2016/151203/2/#asylforlik. (accessed 28 December 2019).
- 18 Asylum Agreement (‘*Asylforlik*’) point 13. Available from: www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2015-2016/151203/2/#asylforlik. (accessed 28 December 2019).
- 19 Asylum Agreement (‘*Asylforlik*’) point 14. Available from: www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2015-2016/151203/2/#asylforlik. (accessed 28 December 2019).
- 20 Ministry of Justice and Security, Hearing Note, Changes to the Immigration Act (Restrictions II) (Instramninger II). Available from: <https://www.regjeringen.no/no/dokumenter/prop.-90-l-20152016/id2481758/>. (accessed 29 December 2019).
- 21 Ministry of Justice and Security, Prop. 90 I (2015–2016), Changes to the Immigration Act (Restrictions II) (Endringer i utlendingsloven (Instramninger II)). Available from: <https://www.regjeringen.no/no/dokumenter/prop.-90-l-20152016/id2481758/>. (accessed 29 December 2019).
- 22 Norwegian Parliament (2016) Lovvedtak 102 (2015–2016). Available from: <https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Lovvedtak/2015-2016/vedtak-201516-102/>. (accessed 29 December 2019).
- 23 Refugee men typically enter the labour market faster than women in Norway, and they have a higher rate of employment over time. See Olsen (2016). *Flyktninger i og utenfor arbeidsmarkedet*. Oslo: SSB Report, Figure 3.5. Available from: https://www.ssb.no/arbeid-og-lonn/artikler-og-publikasjoner/_attachment/336176?_ts=160d58b7270. (accessed 29 December 2019).
- 24 See §8–8 of the Immigration Regulations; §28 para. 5 of the Immigration Act.

- 25 Norwegian White Paper (Norges Offentlige Utredninger, NOU) 2004: 20. *New Immigration Act (Ny utlendingslov)*. Oslo: Kommunal- og regionaldepartementet, 139.
- 26 See, for example §63 of the Norwegian Immigration Act; §26 of the Norwegian Nationality Act.
- 27 Ministry of Justice and Security, Circular G-14/2016. *Cessation of refugee status and revocation of the residence permit when the need for protection no longer exists*. Updated May 2019 (G1-03/2019). Available from: <https://www.regjeringen.no/no/dokumenter/gi-032019--revidert-instruks-om-opphor-og-tilbakekall-av-flyktningstatus-og-oppholdstillatelse-nar-beskyttelsesbehovet-er-bortfalt-jf-utlendingsloven--37-forste-ledd-bokstav-e-og-f/id2645630/>. (accessed 30 December 2019).
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- 31 Norwegian Supreme Court, HR-2018-572-A, para 44.
- 32 Norwegian Supreme Court, HR-2018-572-A, para 39.
- 33 Oslo District Court, 19-099907TVI-OTIR/05. Judgment of 12 December 2018.
- 34 Norwegian Supreme Court, HR-2018-2133-A, para. 3.
- 35 Article 102 of the Norwegian Constitution echoes Article 8 ECHR: ‘Everyone has the right to the respect of their privacy and family life, their home and their communication.’ Available from: <https://lovdata.no/dokument/NLE/lov/1814-05-17?q=grunnloven>. (accessed 28 December 2019). In this case, since the family could travel back to Afghanistan and live there together, parties agreed that the right to family life was not engaged.
- 36 Norwegian Supreme Court, HR-2018-2133-A, para. 55.
- 37 Norwegian Supreme Court, HR-2018-2133-A, referring to *Abuhmaid v. Ukraine*, App. No. 31183/13, ECtHR judgment of 12 January 2017, paras. 102-103.
- 38 Norwegian Supreme Court, HR-2018-2133-A, para. 62.
- 39 In line with a previous plenary judgment Rt-2012-1985 (*Long-staying children I*), the Court’s review of an immigration decision is limited to circumstances existing at the time of the authorities’ last decision, which in this case was 26 January 2016. HR-2018-2133-A, para. 48.

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11 ‘Doin’ hard time on planet earth’

Migrant detainability, disciplinary power and the disposability of life

Nicholas De Genova

Absolute power is the power to make oneself unpredictable and deny other people any reasonable anticipation, to place them in total uncertainty.... The all-powerful is he who does not wait but who makes others wait.... Waiting implies submission.... It follows that the art of ‘taking one’s time’ ... of making people wait ... is an integral part of the exercise of power....

Pierre Bourdieu, *Pascalian Meditations* (1997/2000: p. 228)

For those who are routinely and systematically criminalised, life itself comes to resemble an unrelenting kind of entrapment, an open-air confinement that is inevitably interlaced with routine police abuse and punctuated repeatedly with longer or shorter episodes of imprisonment. While being condemned to a condition of criminalisation and inordinate susceptibility to imprisonment is indeed a fact of life, to greater or lesser degrees, for all poor people everywhere (Wacquant, 2009; Bonds, 2012), it is especially pronounced for racially subjugated and colonised groups. Referring to Israeli military occupation and the racist socio-political order in Palestine, for example, Noam Chomsky has depicted Gaza as ‘the world’s largest open-air prison, where some 1.5 million people ... are subject to random terror and arbitrary punishment, with no purpose other than to humiliate and degrade’ (2012; cf. Peteet, 2005: pp. xiii, 171; 2017; Bornstein, 2008). Liz Fekete incisively makes a similar point about all of Europe, where the ‘pan-European racism’ against minoritised Roma communities converts the entire continent into something approximating ‘a huge open prison’ (2014: p. 68). Describing her research along the US–Mexico border, Patrisia Macías-Rojas affirms, ‘Policing permeated every aspect of social life’ (2016: p. 8), whereby ‘criminalization ... amounts to the branding of a caste-like criminal stigma’ (p. 164). Although her study plainly foregrounds the racialised subjugation of Mexicans in particular in the US–Mexico border region (cf. Levario, 2012; Muñoz Marínez, 2018), Macías-Rojas notably insists that the roots of this criminalised racial branding reside in the ‘historical association between Blackness and criminality’ (2016: p. 164). It is precisely this ever-present fact of racist criminalisation and police abuse and the ever-menacing possibility of imprisonment (or indeed, of torture or murder by police) that deeply informs and invigorates the contemporary Black Lives Matter struggles in

the United States. In the words of the African American rapper 2 Black 2 Strong, from whom I have adapted the title of this essay, for those who are the object of systemic racial oppression, life itself becomes a matter of ‘doin’ hard time on planet earth.’

Without reducing the truly punitive and often brutal realities of imprisonment to a mere metaphor, these gestures remind us that for racially subordinate populations subjected to systematic criminalisation, prison becomes not some sort of distant and mysterious space apart but instead a known and familiar cruelty that is thoroughly interwoven into the fabric of everyday life (Price, 2015). Moreover, the capricious vulnerability to imprisonment punctuates a more permanent condition of radical uncertainty attending to the susceptibility to abuse arising from virtually any routine encounter with the law (and law enforcement). In this important respect, the criminalised condition of ‘doin’ hard time on planet earth’ is also substantially entangled always with a life significantly spent *waiting* under the horizon of virtually inevitable police harassment, likely arrest, and the inordinate prospect of eventual imprisonment.

This chapter will explore how the predicament of systematic criminalisation evoked by the notion of ‘doin’ hard time on planet earth’ may illuminate something about the particularly uncertain and indeterminate temporalities of illegalised migrants’ susceptibility to detention, and how this socio-political condition of protracted waiting and *detainability* exposes the operations of a disciplinary form of power that enhances ‘irregular’ migrants’ precarisation and serves to enforce the disposability of migrant life.

Prison/detention

There are profound affinities between the susceptibility of criminalised populations to imprisonment and what I have characterised as migrant detainability (De Genova, 2007, 2017), just as there are important substantive continuities between ordinary incarceration and migrant detention inasmuch as both entail a punitive combination of spatial dislocation (confinement) and temporal rupture. Hence, detention must be situated within the nexus of diverse forms of captivity and confinement (Foucault, 1972–1973/2015; 1975/1979; cf. Walters, 2004: p. 248). Notably, within the purview of ‘human rights’ discourse, detention appears as a rather generic figure of imprisonment. Article 9 of the Universal Declaration of Human Rights states: ‘No one shall be subjected to arbitrary arrest, detention or exile.’ In this regard, detention and imprisonment appear to be effectively synonymous. However, within this normative perspective of ‘human rights,’ detention is implicitly distinguished from ordinary incarceration precisely to the extent that it is coupled with *arbitrariness*. That is to say, in its hegemonic and institutionalised forms, human rights discourse implicitly normalises the prison and upholds incarceration as the presumptively justified and ostensibly non-abusive form of punishment; imprisonment in and of itself

becomes legible as a concern of human rights only to the extent that it is apprehensible as arbitrary. ‘Detention,’ then, comes to be deployed to signal precisely this excision of imprisonment from the presumptively ‘normal’ and ‘legitimate’ operations of the Rule of Law, in a murky netherworld of arbitrary and abusive power. For those whose plight is that of ‘doin’ hard time on planet earth,’ however, this seemingly durable distinction is immediately revealed to be a dubious one, indeed. In these respects, we may begin to appreciate the profound limits of human rights discourse and the degree to which prison abolitionism (see, e.g. Loyd, 2012; Loyd et al., 2012; Price, 2012; García Hernández, 2017) already substantially prefigures a critical conception of justice that far exceeds and transcends the normativity of human rights law.

Of course, one rather obvious difference between incarceration and migrant detention is that the latter is a form of spatial confinement that is deployed against people whose only transgression or offense is commonly their very existence (i.e. their mere status as ‘irregular’ migrants, ‘bogus’ refugees, or rejected ‘asylum seekers’). Here, indeed, we are accustomed to the understandable objection that migrant and refugee detainees have committed no crime, that they are not ‘criminals.’ Hence, their detention plainly looks like the kind of arbitrary imprisonment that is readily cognisable as an abuse of their putative human rights. But again, the normativity of imprisonment as a presumptively just and appropriate punishment for ‘true’ criminals is thereby subtly but pronouncedly reinforced. Indeed, if the outrage over the detention of migrants is that they are treated in a manner that is reminiscent of the treatment of the incarcerated, this might be an instructive occasion to confront the outrage of prison itself (Loyd et al., 2012; cf. Aas & Bosworth, 2013; Aliverti, 2013; Bosworth, 2014; Kaufman, 2015; Longazel et al., 2016; Macías-Rojas, 2016; García Hernández, 2017). Moreover, the predictable response to the objection that migrants are ‘not criminals’ from advocates for more restrictive immigration control is precisely the belligerent reaffirmation of a simplistic affiliation of migrant ‘illegality’ with outright ‘lawlessness’ and criminality.

For my purposes here, I am nevertheless interested in underscoring some of the heuristic *differences* between imprisonment and detention – and specifically, migrant detention – in order to interrogate the specificity of detention as a distinctive form of power.¹ Therefore, while located within the continuum of various types of coercive confinement, detention must be also distinguished from other forms of incarceration. What chiefly characterises detention as such is the extent to which it has been reserved as a category for naming precisely those varieties of confinement that are intended to be emphatically distinguished from the more customarily juridical coordinates of penal imprisonment for criminal offenses. In short, detainees are so designated precisely because they are understood to *not* be ‘prisoners’; detention is so named exactly to the extent that it is conceived to be

something that is *not* incarceration. Here, indeed, we may recall Arendt's memorable insight into the cruel and revealing irony that common criminals in fact had more legal rights and recognition than those 'interned' in the Nazi concentration camps, or indeed, than those relegated to the status of stateless refugees (1951/1968: p. 286). To be a 'criminal' is to be subjected to the recriminations of the law, and thus to be inscribed within the law and its punishments; in contrast, to be a detainee is to be subjected to an 'administrative' apparatus, and as a consequence, to be potentially (not always, but not uncommonly) figured as effectively outside of the purview of the law altogether.

With detention – very much like deportation (De Genova, 2014) – we are in the midst of what Hannah Arendt famously designated as 'the banality of evil' (1963/2006). The particular banality of Adolf Eichmann's evil, for Arendt, derived from what she deemed to be not only 'the essence of totalitarian government' but also 'perhaps the nature of every bureaucracy': the dehumanising reduction of individuals into 'functionaries and mere cogs in the administrative machinery' (2006: p. 289).² It is in this respect that the idea of the 'banality of evil' is instructive when we confront and seek to challenge such otherwise routine 'administrative' punishments as detention and deportation.

Imprisonment is customarily understood to be the highest form of 'modern' punishment, short of execution. Likewise, incarceration is generally understood to be a deprivation of liberty, frequently including the suspension of other ostensible civil rights, which is purportedly 'corrective' and presumptively 'rehabilitative.' Thus, imprisonment is temporally delimited and assumed to have a definite end, after which those ostensible rights associated with citizenship ought to be restored. Of course, there are also statutory measures that inflict permanent and irreversible harms upon formerly convicted persons, such as lifelong disenfranchisement, as is the case in many of the states of the United States. In this respect, incarceration is also inseparable from the profound and egregious inequalities of citizenship that I have elsewhere theorised in terms of *denizenship* (De Genova, 2015, 2019) as well as the cynical deployment of forms of illegalisation conventionally associated with migration for the purposes of debasing (minoritised) citizens and stripping them of their juridical personhood as citizens (De Genova, 2018b; De Genova & Roy, 2020). Conversely, there has likewise been an increasingly expansive tendency to reclassify various immigration-related offenses as explicitly criminal acts that come to be subject to ordinary imprisonment, only thereafter to be further supplemented with the redoubled punishment of detention and deportation (Hasselberg, 2016; Turnbull & Hasselberg, 2017) – a deliberate and vindictive conflation of anti-immigrant law making with criminal law that has been called 'crimmigration' (Kanstroom, 2004; Stumpf, 2006, 2010), prompting new avenues of critical inquiry into the concept of governing migration through crime (Chacón, 2009; Dowling & Inda, 2013; cf. Bosworth & Guild, 2008). Nonetheless, in

general, imprisonment may be understood to be fundamentally articulated to the putative freedoms and obligations of citizenship as such.

Yet, for non-citizens, detention – entailing confinement and frequently most if not the full panoply of other deprivations of basic liberties associated with imprisonment – is a banal, commonplace form of punishment that is ordinarily purported to be not a punishment at all, operationalised as a more or less automatic repercussion pertaining to the mere juridical status of non-citizens, especially those deemed to be ‘irregular’ or ‘illegal.’ That is to say, migrant detention is commonly activated as a more or less mandatory reflex of the routine functioning of an immigration regime. Notably, there are of course various terms and conditions of migrant detention that are applied differentially across distinct nation-state regimes, and likewise distributed unevenly among non-citizens of various immigration statuses. Nonetheless, the bureaucratic rationality that coldly executes such severely punitive measures as ‘standard operating procedure,’ and the consequently heartless disregard for their veritable cruelty for those whose lives are thereby derailed, convert a systemic evil into the simple and banal functionality of a presumptively efficient governmental apparatus.³

The uses of time

Another chief difference between imprisonment and detention as forms of confinement and punishment revolves around their distinct modes for governing *time*. Perhaps the premier and most excruciating difference from prison commonly at stake in migrant detention is the deeply ambiguous and profoundly punitive dimension of temporal *indeterminacy*. As Pierre Bourdieu suggests, ‘Absolute power is the power ... to place [other people] in total uncertainty’ (1997/2000: p. 228). The temporality – and, indeed, the specific predicament of *waiting* – that frequently accompanies migrant detention have, above all, to do with such uncertainty (Golash-Boza, 2012; Hall, 2012; Fili, 2013; Griffiths, 2013, 2014; Campesi, 2015; Fischer, 2015; Hasselberg, 2016; Freedom of Movements Research Collective, 2018; Esposito et al., 2019).

The temporality of imprisonment marks a striking contrast. In *The Punitive Society*, Michel Foucault remarkably examines the profound correspondence of ‘the prison-form of penalty’ and the ‘the wage-form of labour’ (1972–1973/2015: p. 261) as ‘historically twin forms’ (p. 71), predicated upon ‘the introduction of the quantity of time as measure, and not only as economic measure ... but also as moral measure’ (p. 83). Hence, Foucault contends, ‘the introduction of *time* into the capitalist system of power and into the system of penalty’ signals that ‘the time of life’ is ‘exchanged against power’ (p. 72; emphasis in original). Here, we may appreciate the profound affinity between Foucault’s formulation and Marx’s analysis of labour – specifically, what Marx designates to be *living labour* – in terms of the systematic conversion of an ontological and trans-historical human creative

capacity and productive power to transform our material circumstances, as an existential vocation of human *life*, into estranged and alienated ‘labour’ in its specifically commodified form (wage labour) within capitalist social relations (De Genova, 2010a, 2012). In short, like the homogenisation of living labour into something abstract and quantifiable and, more specifically, measurable by time (as ‘labour-time’) in Marx’s analysis of wage labour within capitalist relations of production, the prison-form of penalty presupposes a strict quantification of (life-)time – as measure – that is, in effect, exchanged according to an ostensibly rational calculus. Hence, the colloquial phrase ‘doing time’ – less a matter of truly ‘doing’ so much as being compelled to do, and hence, its synonymous expression ‘serving time’ – comes to name the conversion of the time of life into a kind of indentured servitude to the state, time coercively spent in the service of a punishment in prison. Indeed, these affiliations have a direct genealogy in the connections among the colonial-era transportation of convicts, convict labour and indentured servitude, wherein the deprivation of freedom associated with imprisonment has long been equated with a regime of unfree labour (Ekirch, 1987; Linebaugh, 1991; De Vito & Lichtenstein, 2013; cf. Smith, 1947).

Whereas the notion of ‘doing time’ in prison ordinarily has the character of a finite countdown, however, migrant detention deploys indeterminate waiting and temporal uncertainty as an end in itself, as punishment (if not outright torture). Time spent in detention is not an anticipatory waiting oriented towards a projected future; rather, it is commonly experienced as a compulsory waiting with no definite horizon, and therefore it is time that can only be quantified retrospectively – often, resentfully or melancholically – once it is already past, commonly perceived to be irredeemably wasted and lost, or indeed, as Shahram Khosravi (2018) argues with regard to deportation, ‘stolen.’ Whereas both prison and detention, to the extent that they involve enclosed confinement, are spatially bordered, imprisonment may also be understood to be generally bordered in temporal terms as well, with its delimited and relatively explicit stipulations of sentencing for penal convictions. In some contexts, migrant detention is also legally subject to strict time limits, encouraging non-citizen detainees to ‘wait it out’ as they hope that their prospective deportations may be deferred. Nonetheless, migrant detention usually entails the uncertain prospect of eventual deportation, while always coupled with the uncertain prospect of *non*-deportation and either indefinite detention or eventual release, which itself is always shadowed by the prospect of subsequent apprehension and further detention. In this important respect, furthermore, migrant detention subjects non-citizens to a regime of surveillance that does not reach its conclusion following release from confinement but rather is projected indefinitely into the future, beyond actual detention. Consequently, for all of these reasons, detention frequently can be found to deliver detainable non-citizens into a quintessentially Kafkaesque nightmare (cf. Welch, 2002; Bhartia, 2010; van Houtum, 2010; Cohen, 2016). It is poignantly revealing that the 2016 protest slogan

of detainees living in Denmark's deportation centres was *Stop Killing Us Slowly!* (Freedom of Movements Research Collective, 2018).

Waiting as disciplinary power

Once we take into account the uncertainties of outright detention, moreover, we must likewise factor in the vagaries and vicissitudes of migrant *detainability* – as the unpredictable susceptibility to detection, arrest and detention that is lived as a protracted socio-political condition in everyday life (De Genova, 2017; cf. 2007). Detainability thus amplifies migrant deportability (De Genova, 2002, 2010a), and enhances how irregularised migrants and refugees' predicaments come to be reconfigured as an enduring socio-political condition akin to 'doing hard time on planet earth.' The emergent ethnographic literature depicting situations in which migrants and refugees find themselves stranded en route, temporarily but indefinitely stuck someplace along the way on their migratory itineraries, and often vulnerable to arrest and detention, provides ample evidence of merely one example of this predicament (Mountz et al., 2002; Coutin, 2005; Collyer, 2007, 2010; Dowd, 2008; Mountz, 2011; Bredeloup, 2012; Lecadet, 2013, 2017; Tazzioli, 2013; Andersson, 2014; Garelli & Tazzioli, 2017; Osseiran, 2017; Picozza, 2017; Stierl, 2017, 2019: pp. 61–92). Similarly, an emergent literature exposes how rejected asylum seekers and other illegalised migrants and refugees increasingly find themselves 'legally stranded' even in their chosen countries of destination because they remain 'undeportable' (Ellermann, 2008; Paoletti, 2010; Sigona, 2012; Fischer, 2013, 2015; Le Leerkes & Broeders, 2013; Campesi, 2015; Courant & Kobelinski, 2016; Hasselberg, 2016; Freedom of Movements Research Collective, 2018; Fabini, 2019). The legal limbo of undeportability points to a punitive regime of detention that generates what Carolina Sanchez Boe has called 'a "floating population" of foreign nationals [who] are subjected to a forced circular migration through prisons, detention centres, and public space' (2017: p. 189). Something akin to 'the carceral circle' famously described by Foucault (1975/1979) thus comes more clearly into view: a repetitive cycle of rejection and detention, expulsion and capture, whereby immigration and border enforcement regimes literally convert detainable persons into a new type of virtual 'refugee' whose genesis is strictly internal to the space of their rejection (cf. Picozza, 2017).

In other instances, detention camps provide a kind of intermittent solution for housing destitute migrants who alternate between temporary confinement and homelessness (Leerkes & Broeders, 2013; cf. Andersson, 2014: pp. 177–207). Life itself, under such conditions, more and more is made to resemble a kind of enduring entrapment and a protracted state of greater or lesser degrees of outright deprivation of liberty, even if one's potential or actual confinement within an institutional space of capture and punishment (a detention camp) is only anticipated and approximated in an amorphous

way by a kind of containment in and through unresolved mobility. Such examples mark an adaptation in the regimes governing migration and refugee movements through the coercive prolongation of their mobilisation itself – as a mobility without remedy or relief (Garelli & Tazzioli, 2016; Spathopoulou, 2016, 2019; Picozza, 2017; Tazzioli, 2018, 2019a, b). Referring to the European Union’s purportedly ‘emergency’ implementation of ‘reception’ centres, known as ‘hotspots,’ for the expedited processing and registration of newly arriving refugees and migrants at the height of the ‘crisis’ of European border control during 2015–2016, which were soon converted into detention camps (including closed prisons for unruly migrants), Aila Spathopoulou (2019) proposes the provocative concept of a ‘hotspotisation of the road.’ In this scenario, refugees and migrants in Greece found themselves subjected to and governed by the European asylum regime even in transit beyond the spatial confines of the official hotspots, trapped in the extended and expansive space of the border as they continued to move onward. In such examples, we note that the autonomy of migration – a freedom exercised in and through movement – nonetheless operates only within and against what Foucault (1976[2007]) memorably depicted as the ‘meshes of power’; it is not an abstract, essentialised or absolute autonomy but one that is necessarily limited, constricted, compromised, contradictory and tactical (De Genova et al., 2018: p. 243). It is in this respect that detainability and deportability operate as *disciplinary* forms of power in which the temporal indeterminacy of waiting for a punishment that may or may not ever come to pass serves to condition the scope of illegalised migrants’ subjectivity and imposes a grim horizon upon their relative freedom of action.

The coercive spatial dislocations of detention and the concomitant temporal ruptures – waiting in detention, waiting for the authorities to deliver a decision on one’s asylum petition, waiting for deportation, waiting in fear of detection and arrest, waiting for anything certain in the protracted alienation of existential indeterminacy – frequently are indisputably punitive in character and commonly inflict profound torment on those who are subjected to detainability (e.g. Fischer, 2015). Yet, they cannot be understood to be purely and simply repressive mechanisms. Contrary to the exorbitantly sovereign image of ‘absolute power’ depicted by Bourdieu in the epigraph to this chapter, therefore, migrant detainability and indeterminate waiting (particularly in detention) serve to reconfigure disciplinary power (both in and through, as well as beyond detention) through the production of an amorphous social condition of temporal precarity. Of course, the manipulation of time and the production of protracted precarity, more generally, are not confined exclusively to the experience of ‘irregular’ migrants subject to detention and deportation (see, e.g. Schling, 2019). Such tactics of precarisation are an elementary feature of the creation and maintenance of migration as a reliable, eminently mobile, flexible and ultimately disposable source of labour-power (Golash-Boza, 2015; De Genova, 2018a).

Such precaritisations of time tend to be productive, if for no other reason than that the human persons subjected to them stubbornly persist in seeking ways to prevail in spite of them. In short, regimes of waiting and temporal indeterminacy capitalise on the autonomous subjectivities of the people whom they make their object. In other words, such regimes capitalise upon the elementary resistances of human subjects in their refusal to accept to be reduced to pure objects. As Frantz Fanon memorably remarks early in his essay ‘The Fact of Blackness’ – ‘I came into the world imbued with the will to find a meaning in things ... and then I found that I was an object in the midst of other objects’ (1952[1967]: p. 109) – only by the end of that same essay to proclaim that he refuses to be mutilated and will not accept the socio-political amputation of his racial condition. Foucault analogously underscores the intrinsic and inextricable relation between objectification and subjectivity, between subjection and subjectivation, between domination and freedom:

Power relations are possible only insofar as the subjects are free.... Thus, in order for power relations to come into play, there must be at least a certain degree of freedom on both sides. ... This means that in power relations there is necessarily the possibility of resistance because if there were no possibility of resistance (of violent resistance, flight, deception, strategies capable of reversing the situation), there would be no power relations at all.

(1994: p. 292)

Elsewhere, Foucault remarks:

At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of ... a permanent provocation

(1982: p. 790)

Thus, detainability is a disciplinary form of power precisely because its contribution to the subordination of migrant life as precarious labour is addressed to the constitutive role of that labour’s productive power and creative capacity, and hence its subjectivity, within and against capital – a subjectivity that is always incorrigible (De Genova, 2010b).

By rendering all of life unstable and unpredictable for migrants subjected to detention or the threat of detention, detainability refines and exacerbates the sheer disposability of migrant life and intensifies migrants’ precarity. But to be rendered disposable is not the end of life but indeed a way of life – a life that comes to resemble ‘doin’ hard time on planet earth.’

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Notes

- 1 Whereas deportability – the susceptibility to deportation – is indeed conventionally confined to non-citizens, detainability – the susceptibility to detention – is a condition that widely (and perhaps increasingly) also pertains to citizens. In the context of an escalation over recent years in exceptional police measures under the rubric of ‘security’ as well as securitarian law-making, the increasing use in many countries of detention (rather than incarceration), particularly as a purportedly ‘preventative’ measure, confirms that detainability operates as a significantly more general mode of governance than deportability (De Genova, 2002, 2010a). Thus, much of what I will argue with specific regard to migrant detention and detainability has considerably wider ramifications, and often pertains, albeit unevenly, not only to non-citizens but also to various categories of citizens. The unequal distribution of detention and detainability is a graduated and differential one that not only sorts and ranks according to the inequalities of citizenship status, therefore, but also class inequalities and racialised hierarchies associated with the ascriptive identities of minoritised communities, most notably, Muslim ‘minorities,’ citizen and non-citizen alike, in the context of the so-called War on Terror (cf. De Genova, 2007; De Genova & Roy, 2020; Eckert, 2014).
- 2 As is well known, Arendt invoked this notion with regard to the unsettling (and terrifying) ‘normal’-ness of the high-profile Nazi technocrat Adolf Eichmann, during his trial for war crimes, crimes against the Jewish people and crimes against humanity (1963/2006: p. 276). While Eichmann was widely considered to be directly implicated in the perpetration of a truly extraordinary evil, in other words, Arendt nevertheless discerned something profoundly important about how mundane that evil was when embodied in the non-descript personality of Eichmann.
- 3 For a parallel exploration of the notion of ‘standard operating procedure’ in the normalisation of torture in the Abu Ghraib prison in the US-occupied Iraq, see Gourevitch and Morris (2008).

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12 Afterword

Waiting, a state of consciousness

Shahram Khosravi

1

As I write these words, the whole world is waiting. Life on a global scale seems to be suspended in uncertainty due to the coronavirus crisis in early Spring 2020. Nearly everywhere, from East Asia to the American West, people are in self-isolation and/or imposed quarantine; everybody is waiting for 'normal' life to return. A large part of humanity now consequently shares a sense of *waiting*, a state of agitation about the unknown future. Naturally, not all people wait in the same way and under the same conditions. Some people cannot afford quarantine, which means they have to stop working. The reports from different corners of the world testify that poor and marginalised groups die at a disproportionate rates as compared with death rates of the privileged. While the pandemic affects everyone, disregarding class or race, the consequences of the outbreak are diverse. Social vulnerabilities, poverty, degraded health, lack of health insurance, overcrowded housing, all these influence the outcome of the pandemic, which manifests differently for different social groups. Needless to mention, the suspension of 'normal' life due to the pandemic not only aggravates vulnerabilities that have existed already but also engenders new ones. Differential distribution of insecurity makes the pandemic a political issue. Destabilising the socio-political conditions of some part of the population makes bodies, and therefore lives, more vulnerable. The political and legal regulations that have resulted in an unequal distribution of risk and hope during the current pandemic emergency are similar to the theme of this book.

While waiting is an inescapable part of life in modern societies, and we all, disregard class, gender or race, experience waiting in our daily lives – from waiting for a bus to waiting for a decision in contact with bureaucracies, or waiting for transition into the next phases of life – the consequences of waiting are different depending on the forms of vulnerabilities of those who wait. Indeed, the empirical studies on which the chapters in this volume are based show that all of us wait, but we wait differently. The groups that are the focus of this book, asylum seekers, confined people either in migrant detention centres or prisons, undocumented migrants, people stuck in

camps, all experience waiting differently from one who waits for her next job promotion or a waiting that constitutes love, as Roland Barthes (2002[1977]) put it. Waiting discussed in this book is a forced waiting, imposed by bordering practices with consequences of destabilising of lives and bodies.

This kind of border waiting refers to the waiting time not only at the actual state borders but to all waiting times that non-citizens and racialised citizens are often pushed towards. The unceasing practices of bordering (which include, but are not limited to, the requirement to obtain various permits to leave, to arrive, to stay, to study, to work, to be with one's beloved ones, etc.) lead to institutionalised delays. Thus, it becomes difficult to identify when exactly border waiting starts or ends. While in many studies the focus is on 'when' waiting seemingly ends (with resettlement, the granting of asylum status or deportation), less attention has been paid to when waiting *starts*. Migration is a process, which begins long before the actual movement from one country to another. If migration starts with desire (for a better life) or fear (of persecution), then who can determine when it starts? When does the search for the 'normal life' begin?

Vulnerable groups are exposed to multiple forms of waiting for different things at the same time (Hage, 2018). In the context of migration and displacement, different objects of waiting and different types of waiting go parallel to each other and overlap one another. We can rarely single out one form of waiting from other ones. The answer a researcher usually gets when asking undocumented migrants or asylum seekers what she is waiting for is 'I wait to start a normal life.' However, in the context of migration and forced displacement, the normalcy is waiting itself. When does a migrant's narrative of waiting end? After arrival, after receiving asylum, after so-called integration, after family reunification, after naturalisation, after returning to the homeland? After deportation? When do they stop waiting, in other words, before a *new* waiting starts? For instance, in some cases deportation does not mean an end to the migration cycle, but rather, it is only another phase of recirculation, and consequently of further waiting. In a similar vein, for minorities who are persecuted in their country of birth, a prolonged waiting for a 'normal life' may start perhaps already in childhood.

Thus, what we see is a temporal and spatial stretching of waiting from pre-departure, and transit, to post-arrival and even post-deportation. As elaborated in the introduction, waiting is constituted in and through multiple and relational temporalities. It means that waiting by migrants involves different geographies, other people and different phases of life. Thus, waiting is never an individual action. The consequences of prolonged waiting affect not only the individual migrant but many people around her, who remain in a state of waiting for material and non-material remittances, or for reunification.

As several chapters in the book demonstrate, fluctuation between different forms of waiting engenders a sense of being sent back in time, expressed in terms of being sent 'back to square one' (Khosravi, 2019), or 'going in a

circle' (see Jacobsen, this volume; see also Karlsen, this volume). A life in circulation is a position of being constantly delayed in what is supposed to be a 'normal life-course.' This constant delay is linked to the 'temporal violence' (Musso, this volume; also Machinya's chapter) individuals are exposed to, as issue which runs throughout all chapters in this book. The evidences throughout the book indicate a 'stolen time' (Khosravi, 2019), which leads migrants towards a sense of 'inability to project themselves forward in time' (Mbembe, 2013: p. 29).

However, in contrast to studies that approach border waiting in terms of emptiness, stillness and passivity, a life in circulation can be highly productive. It is productive in terms of control over labour force. Delaying migrants and keeping them in circulation is robbing them of their time. Border practices turn migrants' time into waste time, and thus steals their labour. Keeping people in prolonged waiting, constantly delaying them and repeatedly sending them 'back to square one,' generates a large amount of surplus time. One basic rationale for this temporal bordering (waiting, delaying and circulating) is the belief that the time of these people is less worthy than the time of citizens. Employers regard the time of asylum seekers or undocumented migrants as worthless and therefore it can be extorted more cheaply.

Waiting is racialised. Some groups are kept waiting longer than other groups because their skin is darker. This secures racialised inequality. The socio-economic disadvantages Somalis experience in Sweden compared with other groups, such as Bosnians, are partly due to the fact that they were exposed to longer waiting for residency permit and also for naturalisation than Bosnians (Behtoui & Olsson, 2013). Furthermore Somalis constituted the largest group in detention centres in Sweden in 2014. However, they were not among the first 20 most-deported migrant groups that year. In other words, Somali migrants in Sweden were detained even though they were largely not deportable. The question, then, is how the seemingly meaningless detainment of this specific non-deportable Muslim and Black group can be justified. Temporal bordering is a way to secure inequalities between social groups. Keeping Somalis in longer waiting for residency permit or for naturalisation has resulted in reinforcing a racial hierarchy in the Swedish labour market, wherein Somali labour force is valued less and therefore exploited more easily.

2

As posed by Jacobsen and Karlsen in the introduction, the question is 'are there specific migratory forms of waiting?' While I totally agree with the arguments for the 'de-migrantising' (Dahinden, 2016) of migration studies, I think it is critical to expose the implication of bordering practices that lead to differential precarisation. So how to write to about waiting in the context of migration and not contribute to the image of migration as an exceptional experience (see Ramsay, 2019; Cabot, 2019)? Similarly, Rozakou in her chapter shares her concerns about how to avoid the risks of replicating the logic of bordering practices in academic research. The concerns

raised by these scholars are highly crucial since presentation of the image of non-Europeans in waiting for authorisation, for visa or for resettlement from the former colonialising countries reproduces the condition of colonality. So how to write about the victimhood of bordered people, yet avoid reproducing the image of colonial relationships between powerful white people who assumed to be able to keep black and brown migrants wait? How to write about migrants' suffering because of prolonged waiting without reducing them merely to *waiters* who *only* wait for the helping hands of the Global North?

One way to avoid such potential pitfalls – sometimes also discussed here in terms of methodological nationalism (in the introduction; also in Drangslund's chapter) as this relates to the experiences of border waiting – is to pay attention to how migrants conceptualise waiting in their own languages. The absence of interest in the non-European concepts among scholars in this field may be rooted in an approach that focuses entirely on the migrant-hood and interaction with the temporal borders. How are experiences of waiting are formed by histories, religions and economies other than the Western ones? For instance, Persian-, Dari- and Arab-speaking people use two words for waiting – *entezar* and *sabr*. The former has connotations of expectation and anticipation, waiting with hope, while the latter refers to the act of waiting and suffering, a form of endurance, and of being patient. The one who have *sabr* endures pain and suffering. This is similar to the word *patience*, which comes from the Latin word *pati*, which means 'to suffer.' Awareness of suffering caused by bordering practices produces new subjectivities. As Dostoevsky famously puts it – 'suffering is the sole origin of consciousness' (2014[1861]: p. 32). Suffering may indeed lead to perplexity, an emotional reaction to facing all hostilities during border waiting, but it may also raise significant political questions and demands for understanding *what has happened* and *why*.

Hence, it is no accident that, etymologically, the origins of the word 'wait' indicate 'to watch' and to 'be awake.' Border waiting engenders wakefulness and vigilance. Waiting is being in a state of consciousness. The person in a state of waiting constantly thinks about her or his waiting. Border waiting means constantly updating oneself about legislations, new legal openings and conventions. It also means tirelessly collecting documents, finding new resources, updating networks and at the same time be watchful about one's own deportability or the risk of missing a deadline. Wakefulness makes border waiting similar to insomnia, that is a compulsion to be vigilant and pay attention to what is happening around oneself. Similar to the one who waits, the insomniac thinks about the reasons for her insomnia and seeks salvage from it. This aspect of waiting is even more palpable in the French verb *attendre*, which means 'to direct one's mind toward.' As also mentioned in the introduction, one of the main contributions of the book is the lending of an analytical lens through which we can explore waiting in irregular migration as a form of navigation through 'an ever-shifting terrain of laws,

built environments, technologies and bodily materialities' (Jacobsen and Karlsen, this volume). A waiting-towards the not-yet is attentive and oriented.

What keeps the person in prolonged waiting awake is not measuring the chronological time, *chronos*, but chasing moments of potential opening, *kairos*. Approaching waiting as a state of wakeful navigation and vigilance here refers to the qualities of time, what Greeks called *kairos*, that is, critical moments when things can happen and openings for changes may ensue.

Lack of mobility in time and space associated with border waiting (usually expressed as '*going nowhere in life*') does not mean lack of mobilisation. Navigation through the spatio-temporal contexts of waiting might create openings for new political orientations. Protests by migrants and refugees – from Moria camp in Lesbos in Greece (see Rozakou's chapter) through Kakuma refugee camp in Kenya (see Camminga's chapter) and the occupation of the Saint-Ferréol Church in Marseille (see Musso's chapter) to sit-in protests in main European cities – may thus trigger a subjectivity through the actions of politics. Border waiting is being in a state of wakefulness engaged with potentialities for a different future.

3

Machinya (this volume) writes that undocumented Zimbabwean migrants in South Africa who 'have no time left' and the risk of deportation becomes omnipresent live in a 'borrowed time;' they borrow time from the future. The future is not a section of a linear timeline, which will come after the present, but rather is in a constant dialectical relation with the present. All struggles, strategies and tactics, navigations and wakefulness of border waiting are animated through the constant interplay between the now and the not-yet. Waiting (the now) is not suspended time oriented through a temporal progression towards a future (end of waiting), but rather, the now and the not-yet constantly make and remake each other. Dialectical wakefulness between the now and the not-yet generates hopeful visions and practices. Even in the form of daydreaming, these practices are agential. Daydreaming, orienting oneself towards not-yet fulfilled promises, is pre-eminently a political act by which migrants claim their right to potentialities that make prospects for a better future possible.

Approaching border waiting this way, then, we can avoid the pitfall of reproducing the coloniality of power. Migrants, refugees, blacks and browns are not waiting for a chance to *belong* but rather to *participate*. Unlike the concept of 'belonging,' which has connotation to possession (custody, control) and to the desire of an outsider waiting for permission to enter (to be accepted and tolerated), the will to participate is the opposite. It is not a request for benevolence. Rather the contrary, it is a refusal to 'belong,' that is, 'to be the property of' someone else.

Like acts of citizenship, border waiting is not a static condition but rather a process and a practice. Waiting as wakeful navigation through material

struggles in the present and ‘directing one’s mind toward’ the not-yet is a daily practice. Like the act of citizenship, the act of waiting, as it is experienced by precarious groups, is a constant struggle to have the right to participate. This struggle is perhaps what De Genova writes about in terms of ‘doin’ hard time on planet earth.’ Thus, for people who are exposed to bordering practices, there is no end to waiting but rather endless struggle to withstand and to demand the right to take part.

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