1. Introduction

> The great thing about this job is: you can say, ok the world is shitty and we can't solve the problems completely anyways, we work somewhere on a tiny symptom of this whole injustice, but nevertheless, you can provide certain people – where you realise they really, manifestly need protection – you can grant them protection. (Jonas, caseworker, headquarters, interview, autumn 2013)

Even though asylum seeking, in the words of Jonas,[1] a caseworker, is "a tiny symptom of the world's injustice", questions of how to resolve this symptom remain highly politicised. Since the ratification of the 1951 Geneva Refugee Convention of the United Nations, refugees have become a key concern of our epoch, as Arendt (in Fassin 2011b, 220) predicted: "a test for the nation-states as well as for human rights". The recurrent discourse of "refugee crises" in Europe (Holmes and Castañeda 2016; Kallius, Monterescu, and Rajaram 2016) and elsewhere (e.g. Mountz 2003; 2010) bear testimony to Arendt's prediction. Large administrative[2] apparatuses have emerged to resolve applications of people claiming asylum in countries of the global North (UNHCR 2018). Switzerland is no exception: its asylum office has evolved since the 1980s and is now part of a large administration for migration governance with several hundred employees.[3]

1 I use pseudonyms for both officials and asylum applicants throughout the book.

2 While the terms "bureaucracy" and "bureaucrats" are regularly used for government agencies and their members (e.g. Heyman, 2004) in the scientific literature, they are considered offensive within the public administration due to their strong connotation with red tape and officialism. I will therefore use the more neutral terms "asylum office", "(public) administration" and "officials" instead (except for in citations from the literature).

3 What I call "the asylum office" for reasons of simplicity is part of the Swiss State Secretariat for Migration (SEM). Until 2014, it was named Federal Office for Migration (FOM). I use the two synonymously, as the renaming of the FOM as SEM did not affect the structure of the

Decision-making practices within asylum administrations have long remained obscure. Scholars have identified large disparities in the outcomes of national asylum procedures which they have captured in the notions of the "refugee roulette" (Ramji-Nogales, Schoenholtz, and Schrag 2009) and "troubling patterns" of asylum adjudication (Rehaag 2008). Yet, as Rousseau et al. (2002, 43) rightly noted, processing asylum applications is "a very complex and difficult task", maybe even "the single most complex adjudication function in contemporary Western societies". They have suggested that the complexity of the asylum procedure arises from a range of peculiarities of the asylum procedure: the legal subtleties of the refugee definition, the precarious evidentiary situation, the problem of knowing sufficiently well the context in countries of origin to judge about persecution, and the psychological weight of both the persecution narratives and of the decision to be taken (ibid., 43–44).

This book attempts to open up the black box of such a procedure to understand how it operates. It does so by focusing on the complex and difficult task of assembling asylum cases towards their resolution, which usually means granting or rejecting protection to applicants. Echoing Jonas, this book traces what it means to "realise that people really, manifestly need protection" as well as what it takes to actually grant them protection. It approaches these questions by analysing the ways of *knowing* and *doing* asylum in the Swiss asylum office. It thus joins a burgeoning field of in-depth and often ethnographic studies of everyday work in asylum administrations and courts in particular, and states, bureaucracies, organisations and policies more generally. It analyses the knowledge developed and employed in practices that work towards the resolution of asylum claims, as well as what the rationalities behind resolutions are. It reveals the crucial work of technological devices that mediate these practices and contribute to their stabilisation. Furthermore, it provides a rationale for how asylum becomes governed by connecting this governmental view with the prosaic practices of case-making. I suggest a reading of such case-making practices as fragile and tentative attempts of *re-cording* applicants' lives in terms of asylum. The notion of re-cording both grasps how lives become inscribed in cases' *records* and their lives' threads or *cords* become tied up in the intricate politics and geographies of asylum (see Gill 2010b). This book thus contributes to a better

office. Yet, in the interest of reader-friendliness and to avoid confusion, I mostly use SEM throughout the text.

understanding of asylum governance through attending to the governmental arrangements, everyday practices, and considerations involved in the production of subjects and geographies of asylum.

1.1 Asylum Governance

This subchapter outlines some features and entanglements of asylum governance in which the assessment of asylum claims in administrations needs to be situated. I begin with the foundations of regimes of refugee and asylum governance.

1.1.1 Underpinnings of Refugee and Asylum Regimes

According to Malkki (1995), "the refugee" is an epistemic object in construction that emerged in the particular historical conjuncture of post-World War II Europe (see also Akoka and Spire 2013) and has been closely linked to the idea of human rights. The Geneva Refugee Convention defines a refugee as a person who fled her or his home country for specific reasons, i.e.:

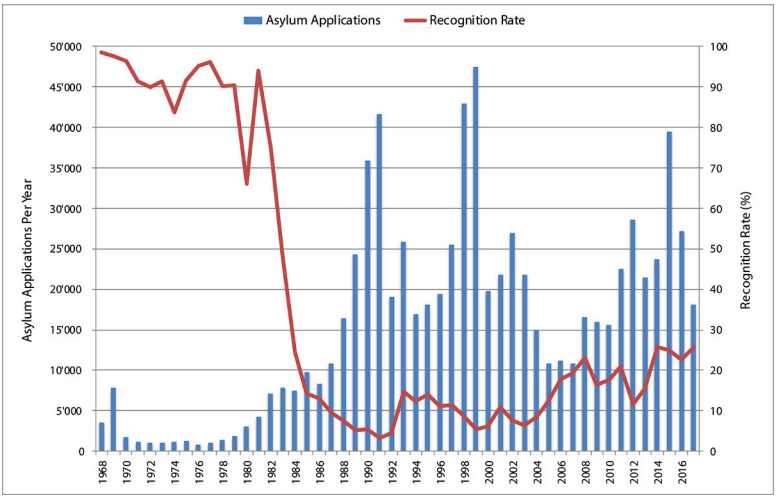
> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country. (UNHCR 2010, 14)

The original convention from 1951 restricted refugee status to persons who had a well-founded fear of persecution "as a result of events occurring before 1 January 1951" (ibid.), thus focusing on granting refugee status to Europeans displaced in World War II. The additional protocol from 1967 lifted these spatiotemporal limitations (ibid., 46). The convention's central principle of "non-refoulement" – stating that refugees cannot be repatriated to places where their life or freedom would be threatened – has entered many treaties of international law and can today be considered customary law (UNHCR Vertretung in Deutschland n.d.).

It is noteworthy that two contrasting regimes for the government of refugees exist today: *collective protection regimes* for people who escape wars and

persecution across national borders and are commonly hosted in camps in neighbouring countries, typical for the global South; and *individual protection regimes* concerned with people seeking admission into wealthy states of the global North. In the former, people are collectively regarded as refugees because they fled their countries of origin or residence. In the latter, they are considered individual asylum seekers whose "well-founded fear of persecution" has to be examined in a laborious administrative procedure before they may become legal refugees and be granted asylum (or a form of subsidiary protection) (Fassin 2016, 66–67). In the early 1980s, the numbers of applications of people seeking protection in the global North sharply rose, while the share of people receiving asylum drastically declined. This has proven true for Switzerland as well (see Figure 1). As Zetter (2007) has highlighted, in the asylum regimes of the global North, labels of protection have multiplied, while people's eligibility for protection has become increasingly restricted. While the first applies to Switzerland as well, the recognition rate has increased again from about three per cent in 1991 to about twenty-five per cent in recent years. However, it should be noted that still by far, the largest share of displaced persons and persons fleeing across national borders find protection in countries of the global South (see UNHCR 2018).

Figure 1: Asylum applications and recognition rate in Switzerland (1968–2017)



(Data: SEM statistics, 2018; own graph)

Asylum seekers have a particular relation to the states of which they claim protection. In contrast to other categories of migrants, those seeking refuge are endowed with 'exceptional' rights vis-à-vis states for which they have no citizenship. As Coutin (2011, 294) highlighted, "for humanitarian reasons, refugees are deemed to face exceptional circumstances and, thus, to have rights that not all noncitizens enjoy". They have the right to an administrative procedure with all the legal guarantees in which their "well-founded fear of persecution" is evaluated and, if such a fear is ascertained, have the right to (at least provisional) residence. Furthermore, they have the right to appeal against the administrative decision (Scheffer 2001, 14).

In Switzerland, the State Secretariat for Migration (SEM) processes asylum applications.[4] Appeals against the decisions of the SEM can be filed at the Federal Administrative Court (FAC). National asylum systems of different countries have historically evolved with their peculiarities. Such systems vary, for instance, in the degree of insulation of the administration from the judiciary (Hamlin 2009; 2012) or the professional careers of decision-makers (Probst 2012, 226–92). However, despite such differences between asylum systems, the two core tasks of officials in asylum procedures are everywhere the same: first, the evaluation whether applicants have a "well-founded fear of persecution" in their home countries according to the grounds outlined in the Geneva Refugee Convention; and second, the assessment of the credibility of applicants' accounts of flight and persecution rendered in asylum hearings. Asylum procedures only require applicants to make credible such a fear, since it is often difficult – if not impossible – to prove it with material evidence. In order to make sense of such difficult procedures, I consider it crucial to take into account the sophistication of border and migration regimes observed more generally (Cuttitta 2012; Geiger and Pécoud 2010; Hess and Karakayali 2007) and the governmentality of immigration in which administrative practices of granting or rejecting protection are implicated.

4 For Switzerland, the UNHCR counted at the end of 2017 about 117,000 "people of concern", of which about 93,000 already have some sort of protection (asylum or temporary admission) while about 24,000 are in the asylum application process (UNHCR 2018).

1.1.2 Governmentality of Immigration

In recent decades, socioeconomic disparities and global polarisation have grown severely, and the global entanglement of lives via webs of production and consumption has shaped "new ways of perceiving distance – temporal, spatial, social, and cultural" (Trouillot 2001, 129). In this historical conjuncture that Trouillot called "a fragmented globality" (ibid.), "refugees and asylum seekers are merely the vanguard of a world where life chances and economic opportunities are distributed with great inequality" (Gibney 2004, 5). As such vanguards, their mobilities as well as attempts to govern them have become highly politicised. Governing asylum is thus not only related to humanitarian discourses but also to the "securitisation of migration" (Huysmans 2000): Persons seeking asylum have been framed (mainly since the 1980s) as a problem for the security for the populations in receiving states, namely by drawing connections of asylum seeking to discourses and instances of crime and terrorism (e.g. Pratt and Valverde 2002). Zimmermann (2011) has analysed such a discursive framing of "bogus asylum seekers" in the UK.[5] She has emphasized that "host states continue to allege that meaningful distinctions can be drawn between refugees and economic migrants; and hence between 'true' and 'false' refugees" (Zimmermann 2011, 340). This is related to the fact that their status and motives remain indeterminate – and are mistrusted – until they are officially recognised as refugees in national asylum procedures. "Restrictive policies" of migration and asylum governance have to be read in light of such discursive "boundaries", as Fassin (2011b) in his review essay "Policing Borders, Producing Boundaries" emphasised:

> The deployment of restrictive and repressive policies of immigration has been accompanied by the development of an administrative apparatus at the borders and within the territory to control immigration and hunt down the undocumented, to adjudicate the refugee status and guard the detained aliens. (Fassin 2011b, 218)

5 See Riaño and Wastl-Walter (2006) for a good account of the historical evolution of refugee discourse in Switzerland and Steiner (2015) for an insightful study of discursive framings of those opposing new refugee accommodations.

In order to grasp this relationship between borders and boundaries, Walters (2004) has suggested the notion of "domopolitics", or governing states as homes. As a governmental rationality, domopolitics refers to "both systems of ordering mobility and differentiating claims, and the discursive construction of those who are filtered through such mechanisms" (Darling 2011, 266). Systems of ordering mobilities not only involve the policing of borders but also efforts of potential countries of destination to deter people from claim-making on their territories.[6] This is not only reflected in deteriorated conditions of reception, accommodation and labour market access but also in more restrictive asylum legislations and evaluations of claims in procedures (Holzer and Schneider 2002). Together, such measures enact what I have called a "politics of deterrence" in which potential destination countries pursue reverse location marketing in their efforts to be (amongst) the least attractive destination for people seeking protection (see Pörtner 2017). Asylum governance needs thus to be situated in a wider "governmentality of immigration" (Fassin 2011b) with various rationalities and technologies of government. Such a governmentality is not only characterised by securitisation discourse, restrictive legislation and categories of "unwanted migration" (IOM 2012, 7), but also by new technologies and practices of migration management, policing and confinement that lead to a proliferation of borders both inside and across nation-states (Bigo 2002; Fassin 2011b; Hyndman and Mountz 2007; Mountz 2011b).

1.1.3 Expanding Borderscapes of Asylum Seeking

In order to claim asylum, people fleeing their home countries usually first need to access spaces of claim-making, i.e., the sovereign territory of a potential host state.[7] The governing of asylum has, for this reason, not only

6 While in public and political discourse, the framing is usually that deterrence practices only target those without "legitimate" reasons for asylum, in practice their effect is much broader, as already Gibney and Hansen (2003) pointed out in their analysis of European asylum policies: "Finally, while the bulk of restrictive policy measures developed have been legitimated publicly by the desire to disentangle mixed flows (by the aim to preserve asylum for 'real' refugees), most policy measures are completely indiscriminate in their effects. They are, that is, as likely to prevent, deter or punish the entry of legitimate refugees as economic migrants" (Gibney and Hansen 2003, 15).

7 Except those deemed eligible for programmes of resettlement (see UNHCR 2017).

entailed the examination of rights in asylum procedures, but a range of regulations and practices to prevent people from claim-making in the first place.

In the example of Europe, the Schengen visa regulations for third-state nationals have become increasingly restrictive, most possibilities for applying for asylum abroad have closed down, and third-states as well as private agents enrolled in border control and enforcement (e.g. through migration partnerships or carrier sanctions, respectively). Those seeking refuge in the global North have increasingly faced closed and highly securitised borders, immobilisation (Kallius, Monterescu, and Rajaram 2016), detention and even practices of "neo-refoulement" (Hyndman and Mountz 2008), i.e., being pushed back or deported to spaces of potential persecution. As a consequence, seeking asylum in Europe has become increasingly difficult and often involves dangerous travel routes such as boat passages in the Mediterranean. People have felt compelled to resort to human smugglers and use false documents or identities in order to access European territories to claim protection (Brouwer and Kumin 2003).[8] But these spaces of claim-making are not static. States increasingly 'work' geography to prevent people from arriving on their territories. Mountz (2011c) has suggested that a new territorial image of state enforcement is in place – a mobile one that is "pushing itself offshore, working geography to deny entry and access to rights, representation, and asylum" (ibid., 322–23).

Various studies have disclosed strategies of states to prevent access of 'irregular' mobile populations to their territories where they could claim asylum (Ashutosh and Mountz 2012; Bialasiewicz 2011; Collyer and King 2015; Mountz 2010; 2011c; 2011b). They have shown that states redraw borders, move ports of entry, shift liabilities, and rework territories and jurisdictions (Guiraudon 2001; Mountz 2010; 2011c). States have created "long tunnels" (Mountz 2010), i.e., spaces with different jurisdiction within their territories at (air)ports and in waiting zones to avert or at least complicate asylum claimants' access (Maillet, 2016; Makaremi, 2009b). They have moved abroad and installed "stateless spaces in extra-territorial locales where states hold migrants in legal ambiguity as a mechanism of control" (Hyndman and

8 According to the EU border agency Frontex, the majority of people staying in Europe illegally entered via airports and with valid travel documents and visas whose validity they overstayed. However, an increasing number of people have relied on human smuggling to enter the territorial confines of Europe over land or sea (Frontex 2015).

Mountz 2007). Such stateless spaces can be either in countries of transit (as for European countries in North Africa) or on islands offshore (as for Australia on the Pacific island Nauru). Overall, spaces of claim-making have been crucially reshaped to reduce and shift "ports of entry" (Mountz 2011c) for claim-making or to prevent arrivals altogether through the creation of extra-territorial spaces or internal spaces of lawlessness (Dikeç 2009). Relatedly, studies have pointed to the emergent regimes of detention (Achermann 2008; Bigo 2007; Mountz 2011b), deportation (Ellermann 2009; Fekete 2005; de Genova 2010a) and confinement (Coutin 2010; Makaremi 2009a) that different people falling into the category of "unwanted migration" (IOM 2012, 7) face.

Even if people manage to arrive at a "port of entry" (Mountz 2011c) for claim-making, this does not necessarily mean that they are admitted to asylum procedures or that their claims are actually examined. States have tended to shift the competence for asylum claims, if possible, to other states ("safe third-states", states of transit or former residence). Moreover, in Europe, the question of a state's competence for a claim has been closely linked to the so-called Dublin system,[9] which defines the country of first arrival as the one in charge of the asylum procedure. The attribution of competence is ascertained mainly through the fingerprinting of those arriving, which is an apt example of borders becoming increasingly biometric (Amoore 2006; Sontowski 2018). If a person files an application in another country, a "hit" in the European fingerprint database EURODAC (EUR-Lex 2010) reveals that the competence for the asylum procedure lies elsewhere.[10] Consequently, a transfer request is submitted to the respective member state and, if accepted, deportation to that state is (potentially) enforced. The Dublin system thus crucially mediates the entry point to national asylum proce-

9 The original Dublin Convention was introduced by the European states in 1990 in the course of establishing a single European market, which made more coordination in the domain of asylum crucial. It intended to avoid so-called "refugees in orbit" for whom no state would take responsibility, but also to avoid "asylum-shopping", i.e., that people would file applications for asylum in several countries (Filzwieser and Sprung 2009, 24). In 2003, the Dublin-II regulation focused on removing obstacles to the effective application of the principles established in the convention (ibid., 25–27). Switzerland was admitted to the Dublin system in 2008 (SEM 2014).

10 Fingerprint information can be retrieved by a number of authorities, amongst them migration offices, in all member states of the Schengen-Dublin agreement (EUR-Lex 2010).

dures, which depends on travel trajectories and territorial control. It often results in a contingent yet persistent trapping of asylum seekers on the territory of the country where they had first given fingerprints (Griffiths 2012b, 724). Furthermore, it significantly impacts people's chances for protection. The harmonisation of asylum procedures across Europe has been far from achieved: the procedural standards as well as the protection quotas still vary significantly across member states, as does the admission of claimants to social welfare, housing and labour (see Dikeç 2009).

Generally, the administrative regime of assessing asylum claims needs thus to be situated within the larger "exclusionary politics of asylum" (Squire 2009). The mobilities and moorings of those seeking protection are crucially (re)shaped by expansive governmental "migration infrastructures" (Adey 2006; Lin et al. 2017), including those of asylum administrations. Overall, such exclusionary politics and migration infrastructures of preventing access and admission have led to "shrinking spaces of asylum" (Mountz 2010, xvii) and expanded the "borderscapes" (see also Brambilla 2015; Rajaram and Grundy-Warr 2007, xxix) – spaces of indeterminacy and forced (im)mobilities at the threshold of expulsion or protection (see also Bagelman 2013) – for those seeking refuge. Consequently, a crucial question guiding this study has been: how are administrative practices of assessing asylum claims implicated both in the governmentality of immigration and in the production of such borderscapes or spaces of asylum?

1.2 Studying the Making of Asylum

Governing asylum produces its subjects and spaces in the resolution of the administrative-legal procedure: in the sovereign act of granting or denying protection. To understand how this sovereign act materialises in practice requires researching the work of asylum administrations and courts. Previous research on the everyday practices of those implementing law and policy has often focused on the interpretative "thought-work" of border guards (Heyman 1995) and "decision-making" practices of "street-level bureaucrats"[11]

11 The term "street-level bureaucrats" (Lipsky 2010) refers to front-line staff in bureaucracies who meet 'clients', enact policies and are involved in "bottom up" policy-making (see Miaz 2014).

(Lipsky 2010) or judges (Good 2007). Such studies have emphasised that there is a "policy implementation gap", a "gap between that which had been written on paper and that which came into being through practice" (Mountz 2003, 36). Accordingly, administrative agents do not simply implement immigration or asylum policies and law but crucially interpret and even (co-)produce them. As such, agents have, at times, their own agendas of governance, for instance to protect the nation from lenient immigration policies (Fuglerud 2004) or the bureaucracy from negative media coverage (Mountz 2003).

Research about the making of asylum needs to consider the administrative politics involved. Studies on bureaucratic organisations have highlighted the often-difficult circumstances of work inside administrations and that this can (partly) explain why their agents regularly appear "rigid, unresponsive and dehumanising" (Heyman 2004, 493; Lipsky 2010, 27–70) or "indifferent" (Herzfeld 1992) to the concerns of their 'clients'. Both the state and law have lost some of their monolithic appearance through studies that emphasised that both are produced in prosaic practices of state agents (e.g. Bierschenk and de Sardan 2014; Wedel et al. 2005) and imaginations of ordinary people (Gupta 1995; Hansen and Stepputat 2001). Such studies have shown that the law needs interpretation in order to grasp individual cases. In turn, law is not merely or primarily a legal text, but rather the composite meaning its notions acquire from the cases in which they become invoked (see Miaz 2017). Only its invocation turns law into something meaningful that has a "social life", as law and society research has highlighted (e.g. Sarat 2007). Such insights are vital for studying the making of asylum.

1.2.1 Deciding on the Right to Protection

A burgeoning field of studies has turned to asylum decision-making in administrations and courts. It can be broadly distinguished into studies that take a rather holistic perspective on the procedure of granting (or rejecting) protection (Affolter 2017; Dahlvik 2014; Hamlin 2009; Jubany 2017; Kobelinsky 2008; 2015b; Miaz 2017; Probst 2012; Scheffer 2001), and those that look at a particular element of the procedure, namely hearings and questions of communication (Blommaert 2001a; 2001b; 2009; Jacquemet 2011; 2009; Kälin 1986; Maryns 2005), the role of interpreters in hearings (Kolb 2010; Pöllabauer 2005; Scheffer 1997), questions of expert knowledge (Good 2004; 2007), evidence (Doornbos 2005; Gibb and Good 2013; Spijkerboer 2005), encoun-

ters (Gill 2016), and credibility (Cameron 2010; Noll 2005; Sandvik 2007; Sweeney 2009). A further type of studies has analysed the practices related to a *particular type* of asylum applications, namely gender-related persecution cases (Jansen and Spijkerboer 2013; Kobelinsky 2015c; Miaz 2014). And again, other studies have focused on the responses of asylum bureaucracies to particular events (Mountz 2010; 2003). Amongst the studies with a more holistic approach to decision-making in asylum procedures, most have taken a single case approach: they focus on one exemplary national administration or court, namely in Switzerland (Affolter 2017; Miaz 2017), Austria (Dahlvik 2014), Germany (Scheffer 2001), Spain (Jubany 2017) or Canada (Bayrak 2015; Mountz 2003). However, a few studies with a more comparative approach exist. For example, Probst (2012) compared practices of decision-making in different countries (in Germany and France), Hamlin (2009) examined "administrative justice" in refugee determination procedures in the US, Canada and Australia, and Kobelinsky (2008; 2015b) juxtaposed practices of the French asylum administration (OFPRA) and the appeal court (CNDA).

Research using an ethnographic, in-depth approach to asylum administrations and courts has offered rich insights into the intricacies of assessing claims. It has highlighted the complexity of the tasks, the moral dilemmas, and institutional restrictions that decision-makers who conduct hearings and decide on applications face. At least five key issues appear to recur in such studies of asylum procedures.

First, critical studies have highlighted the often-ambiguous outcomes of decisions, namely their seemingly "arbitrary" or "subjective" character (e.g. Griffiths 2012a, 10; Monnier 1995, 322; Thomas 2009, 163). As Barsky (1994, 6–7) has highlighted in the case of Canada, "individuals involved in the decision making process can be either inconsistent, or consistently unfair". Differences in decision-making need to be understood in light of the considerable discretion of individual decision-makers have, particularly when it comes to questions of credibility (Dahlvik 2014, 385–86; Good 2007, 268; Miaz 2017, 381–400; Ramji-Nogales, Schoenholtz, and Schrag 2009).

Second, while studies have emphasised the considerable discretion of asylum adjudicators, they have at the same time pointed to the limits of discretion set by "intra-institutional or judicial authorities" (Dahlvik 2014; Miaz 2017; Probst 2011). They have shown that, for instance, administrative guidelines or "secondary application norms" (Miaz 2017, 291–97) limit the room for decision-makers to manoeuvre.

Third, studies have suggested that approaches to decision-making and views crucially relate to agents' bureaucratic socialisation (Affolter 2017, 107–40; Dahlvik 2014, 164–78; Fassin and Kobelinsky 2012; Jubany 2017; Miaz 2017; Probst 2012; Spire 2005) and ways of knowing internalised in a habitus, as for instance "decisional knowledge" (Affolter 2017, 45–80; Schittenhelm and Schneider 2017). Yet, scholars have also pointed out the crucial role attributed to expert knowledge and (if available) material evidence for decision-making (Fassin and d'Halluin 2005; Gibb and Good 2013; Good 2007; Miaz 2017; Probst 2012).

Fourth, studies have indicated that even though the outcome of decision-making may appear arbitrary at times, the "process is not arbitrary, but based on a certain rationality", as Dequen (2013) has emphasised. Affolter (2017, 105) has found that decision-makers exhibit a strong ethics regarding their work and "pursue an overarching aim that their decisions … be fair". Similarly, Fresia and von Känel (2016, 112) have suggested that "subjectivity and inconsistency in the process were acknowledged and occasionally harshly denounced" by those doing casework. Others have provided insights in what characterises a "good decision-maker" in the view of those doing the work (Affolter 2017, 81–106; Jubany 2017, 139). To grasp the often considerable differences between officials' attitudes, dispositions and their professional ethos, various authors have introduced (ideal) types of decision-makers (Fassin and Kobelinsky 2012; Miaz 2017; Spire 2008; 2005).

Fifth, studies have considered the potentially detrimental effects of bureaucratic organisation. Landmark studies of bureaucracy highlighted causes of "bureaucratic indifference" (Herzfeld 1992) or the failure of agents to remain sympathetic with claimants (Lipsky 2010). In the field of asylum adjudication, authors have identified organisational "cultures of disbelief" (J. Anderson et al. 2014; Jubany 2011; 2017), "mistrust" (Griffiths 2012a; Probst 2012) or "denial" (Souter 2011) to partly explain the widespread tendency in asylum procedures to reject the majority of claims. Fresia, Bozzini, and Sala (2013, 56–59) have highlighted the difficult juggling of officials between distance and empathy vis-à-vis applicants. Gill (2016; 2009) has suggested that institutional mechanisms including the "timing and spacing" of practices result in state agents' "moral distancing" from applicants, tending to inhibit empathic encounters between them.

In sum, existing studies of asylum administrations have identified a broad range of features relevant to understanding decision-making practices

and provided rich empirical accounts of local variations of decision-making as well as perspectives and practices of decision-makers. They have, moreover, revealed not only how changes in policies and law are "translated" in everyday decision-making in administrations, but also how policies and law are often produced in these very practices (Affolter, 2017; Dahlvik, 2014; Miaz, 2017; Probst, 2012; see also Lipsky, 2010).

1.2.2 Reification of State Categories?

Studies of asylum administrations and courts, however, tend to adopt notions of their administrative or jurisdictional research subjects in their conceptual approaches instead of decentring them: they have largely embraced state, legal and bureaucratic categories. Relatedly, Gill (2010b, 627) has diagnosed a "tendency to reify the state in asylum and refugee research". This is particularly reflected in most studies' focus on decision-making, the interpretation of law, and the leeway actors have in this – their discretion. Two recent ethnographic studies on decision-making practices in the Swiss asylum office[12] that are of particular relevance for my study reveal the same inclination: Miaz (2017) analysed in his study "the effects of the sophistication of law on the practices of the street-level actors … and, on the other hand, the effects of these practices on law" (ibid., iii). Affolter (2017) focused on "decision-makers' discretionary practices" and how these "are structured by the institutional habitus". She considers discretionary practices as "the ways in which … [decision-makers] interpret the law" (ibid., 2).

The difficulty with adopting such notions of law, decision-making or discretion is this: they are central to policy discourse and the vernacular of state theory, which every official in the administration constructs as well. Of course, these vernacular theories matter, but they require themselves analysis. As Bourdieu (1994) put it forcefully:

12 Political scientist Jonathan Miaz and social anthropologist Laura Affolter focused in their dissertations on practices of decision-making in (and beyond) the Swiss asylum office. Miaz was in the office earlier (2010–2012) and Affolter a bit later (2014–2015) than me, but our fieldwork periods overlapped and we collaborated on various occasions (see for instance Affolter, Miaz, and Pörtner 2018). While Miaz focused on the various facets involved in the making of law inside but also beyond the asylum office, Affolter focused on decision-making practices in the asylum office with a particular focus on the crucial questions of credibility.

> To have a chance to really think a state which still thinks itself through those who attempt to think it, then, it is imperative to submit to radical questioning all the presuppositions inscribed in the reality to be thought and in the very thought of the analyst. (Bourdieu 1994, 2)

As it is "in the realm of symbolic production that the grip of the state is felt most powerfully" (ibid.), such presumptions tend to become conceptual confines for the analyst.[13] Adopting what Hansen and Stepputat (2001, 5) called the "language of stateness" – official notions or state vernacular – makes it difficult to think the state outside state categories. To just adopt these notions bears the risk of reifying the powerful processes and entities (such as 'law' or 'the state') instead of supporting their analytical decentering. Notably, key authors of the anthropology of the state (see, for instance, Gupta 2012, 52) and the emerging field anthropology of policy (Wedel et al. 2005) share some of these reservations. Gupta (2012, 52) draws attention to "the problems caused by presupposing the ontological status of the state". Wedel et al. (2005, 39) explain their turn to policies with the aim to "uncover the constellations of actors, activities, and influences that shape policy decisions, their implementation, and their results". This kind of analysis is supposed to "counteract … the use of flawed dichotomous frameworks (such as 'state' versus 'private,' 'macro' versus 'micro,' 'top down' versus 'bottom up,' 'local' versus 'global,' 'centralized' versus 'decentralized') … [which] tend to obfuscate, rather than shed light on, the workings of policy processes" (Wedel et al. 2005, 43). For my analysis, I thus avoid building on prefabricated, charged and ambiguous notions of law, bureaucracy, or the state. Instead, I consider practices of governing asylum to enact a "relational politics of (im)mobilities" (Adey 2006). This shift in perspective involves attending to the material-discursive[14] arrangements and governmental practices through which (im)mobilities are produced (Lin et al. 2017, 169).

13 I owe this insight to a warning by Christian Lund. When I presented my research project to him during my fieldwork, he said about my ethnographic immersion in the asylum office: "you walk on the knife's edge". My ideal of "joining to make a difference" reminded him of the tale of the mouse and the snake: the mouse crosses the snake's way and asks to pass. It gets eaten and then tries to eat the snake from the inside – but is never seen again.

14 I connect *material-discursive* with a hyphen to emphasise the entanglement of the material and the discursive in governmental arrangements (see also Aradau 2010).

1.2.3 Critical Asylum Geography

This study thus takes up a call by Gill (2010b) for a "critical asylum geography", which entails a "refusal to see the state as a monolithic, ontologically separate phenomenon from the social order" (ibid., 638). It involves focusing on the "everyday, situated practice [implicated] in the reproduction of state effects" (ibid.; see also Mitchell 1991; 2006). However, instead of looking at the state in whose name these practices of asylum government are undertaken (Gupta 1995, 376), I adopt a perspective that takes me "beyond the state" (Li 2005). I agree with state theorists' shifts away from monolithic accounts that take "the state" for granted and presuppose it as an entity that is separate from "society" or "economy" (Mitchell 1991; 2006) in order to acknowledge its various appearances (e.g. as state idea and state system as Abrams, 1988, famously suggested).

Analysing the state along the set of practices that bring it to life, as Desbiens, Mountz, and Walton-Roberts (2004) suggested, has proven a fruitful avenue: social scientists' focus on the "prosaics of stateness" (Painter 2006) provided vigorous accounts of the centrality of embodiment (Culic 2010; Mountz 2004; 2003), improvisation (Jeffrey 2013), and material devices (Cabot 2012; Darling 2014; Hull 2012b). My study has moreover been inspired by exemplary contributions to a critical asylum geography: namely, the studies by Mountz (2003; 2010), who considered "embodied geographies of the state" by revealing asylum bureaucrats' efforts to "rework of geographies" in the response to events of human smuggling in Canada. Gill (2009; 2016) has also combined governmentality with state theoretic approaches to highlight how particular institutional "timings and spacings" affect asylum sector workers' encounters with asylum seekers in the UK.

While the state still figures prominently in their accounts, I take another direction by abandoning it as an object of enquiry altogether (see also Ince and Barrera de la Torre 2016). To address "the complex geographies of connection and disconnection … through which asylum … governance is achieved" (Gill 2010b, 638), I adopt a poststructural geographical lens.[15] I engage Foucauldian and material-semiotic approaches (actor-network theory and science and technology studies) to rethink asylum governance. This implicates a core analytical move: away from focusing on asylum governance in terms

15 For an introduction to poststructuralist geography see, for instance, Murdoch (2006).

of the 'state', 'law', or 'bureaucracy' to considering it in terms of material-discursive practices of government (see Chapter 2).[16]

1.3 Research Questions and Aims

The central research question guiding this study is: How is asylum governed in administrative practice? This question implies several sub-questions: How are asylum cases 'made' in practice? What knowledge and technologies are involved in case-making? And, how are such practices stabilised? By addressing these questions, this book aims at understanding how administrative practices are involved in the production of geographies of asylum. In taking up recent debates on power, knowledge, spatiality, and mediation, it considers how asylum – with its objects, subjects and spaces – is produced in situated practices of case-making (Scheffer 2001; 2010) in an asylum administration.

Case-making refers to the material-discursive practices of assembling asylum cases towards their resolution. I suggest that a particular governmentality infuses practices of case-making: the "need to resolve".[17] This need to resolve refers to rationalities, techniques and practices of resolution that have developed in response to various lines of problematising asylum: not only as applications or cases to be legally resolved, but also as backlogs of applications, as unwanted competences for applications to be resolved and future claims to be anticipated and averted. The central 'task' of granting or rejecting asylum in practices of case-making is thus affected by such divergent and at times contradictory "finalities" of government (Foucault 2006, 137). For case-making to be possible, I suggest, it takes particular arrangements of knowing asylum, and particular technologies of power to act upon people-as-cases. I have thus developed an enquiry suggested by Rose (1999, 149) that illuminates how those involved in governing asylum become themselves governed in their work (see also Gill, 2016). Power and agency, in this

16 This does not implicate that states, law, or bureaucracy do not matter for asylum governance. Quite the contrary. Acknowledging states' situated (powerful) appearances as structural effects (Mitchell 2006) and legal and bureaucratic rationalities and technologies of government remains crucial.

17 This notion is inspired by Li's (2007) *The Will to Improve*.

view, do not reside in individual bureaucratic actors but in a networked arrangement of government – a *dispositif* (Foucault 1980, 194–95).[18]

I argue that lives of claimants become re-corded in terms of asylum through their encounter with the *dispositif*. To re-cord applicants' lives in terms of governing asylum means to translate and inscribe them in legal, but also technical, managerial, political ways in material-discursive records of asylum cases. Once applicants' lives have become re-corded in terms of asylum, their life and bodily trajectories as essentially spatiotemporal flows may become territorially captured (Painter 2010; Soguk 2007). "Territorial capture" refers to the enrolment of lives in the territories invoked in records: it "involves the material[-discursive] binding of that-which-is-flowing in specific assemblages" (Painter 2010, 1114). However, applicants are unevenly affected by re-cording and capture. And they have their stakes in them: they can resist or subvert attempts of re-cording and they can themselves introduce records and seek a beneficial re-cording that grants them protection or makes deportation more difficult or impossible (see also Ellermann 2010).

To govern is thus never unidirectional: it involves negotiation, improvisation and tactics by all those involved. And its outcomes remain therefore open-ended. Crucially, the re-cording of lives in terms of asylum is generative of new realities in the sense of performativity (Butler 2011; 2010; Callon 2010) or enactment (Law 2004b; Mol 2002): it produces relational spaces and subjects of asylum (see also Mol and Law 2002, 19).

1.4 The Case: The Swiss Asylum Procedure

Methodologically, this book is based on in-depth qualitative research in the Swiss asylum office that is part of the State Secretariat for Migration (SEM). Between 2012 and 2014, I conducted about ten months of field research in the asylum office in total. This time included participant observation in a basic training for new caseworkers, four months of fieldwork in a reception centre and six months of work and research in an internship in two sections that process asylum cases in the office's headquarters.

18 I follow here Bigo (2008, 34) who suggested not to use "apparatus" as English translation of Foucault's notion of the *dispositif* "to avoid an Althusserization of Foucault".

I pursued a research approach that consisted of extended "time on the inside" (Billo and Mountz 2016, 10–11) yet also allowed me to trace practices of case-making along case-files' trajectories through the administration and thus could be termed "following the records" (ibid.). I traced the production of material-discursive records in events that produce asylum and its spaces: I looked at how case-making consists of filling in forms about applicants' identity, taking fingerprints and entering them into databases, writing protocols that feature accounts of applicants' pasts, collecting and evaluating evidentiary pieces, commissioning linguistic and country of origin (COI) reports or inquiries, and ultimately making all these records 'speak' in the asylum order. I participated in organisational life in the office, conducted informal conversations with caseworkers and senior officials, participated in first and main hearings, collected a wide range of organisational documents, protocols from asylum hearings and other case records, and conducted a small number of semi-structured in-depth interviews. In the second part of my field research, I did 'simple casework' as a sort of intern in exchange for sustained research activity in the headquarters. My data analysis focused on the *dispositif* and consisted of tracing the material-discursive associations that enable – and are produced in – practices of case-making (see Chapter 3).

The book at hand is the result of a qualitative case study focusing on practices of case-making in the Swiss asylum administration from 2012 to 2014. It is thus based on insights I gained into a national asylum procedure at a certain time and place. But this does not mean that it is "merely another case study" of asylum adjudication somewhere sometime (see Flyvbjerg 2006). Rather, I suggest it is a case study of government in a *dispositif* – asylum being the case but not the object of study.

Why do I take asylum as a case in point? The *dispositif* of asylum can be thought of an exemplary case for governing people through practices of re-cording certain respects (Patton 1990, 169–71): concerning the stake of differentiation (inclusion/deportation), the scope of differentiation (the truth there and then), and the wealth of (dis)associations mobilised to differentiate (between ways of knowing such as those enabled by biometric fingerprinting, scientific expertise, on-the-ground investigations and ways of doing enabled by organisational, administrative, or legal techniques). Moreover, the book provides an example for a *dispositif* that is not "non-local" (Feldman 2012), but touches down and re-cords the lives of those encountering the *dispositif* in significant yet at times unexpected ways (see also Jacobsen 2013). The

reader of this case study can thus gain insights about governing in *dispositifs* beyond the case of Switzerland and of asylum (see Flyvbjerg 2006).

There are, of course, significant limitations to my analysis of the *dispositif* of governing asylum. *Dispositifs* of government usually develop in an interplay between forces and counterforces that are both incorporated in the regime of government and operate as hinges between the government of others and the government of the self (Tsianos and Kasparek 2015, 15). As this analysis focuses on the administrative part of the migration and border regime, it cannot grasp the perspectives and practices of crucial counterforces, namely the migrants themselves but also of those working in legal aid, lawyers or the judiciary. I can therefore only trace some of the ways in which the *dispositif* of asylum is performed and materialises. What this analysis is able to contribute to debates around migration and border regimes, however, is a glimpse into the practices in which programmes of government evolve and unfold and the difficulties of their enactment. It disassembles coherent images of government and discloses that those who are supposedly governing asylum are themselves subjects of a specific governmentality. It thereby joins the relatively few studies that have attempted to situate practices in asylum procedures in a wider context of governing populations, borders, and states (Gill 2009; 2010b; 2016; Jubany 2017; Mountz 2003; 2004; 2010).

1.5 Roadmap

The contribution of this book is threefold: first, it develops an unusual conceptual approach to asylum governance through linking Foucauldian and material-semiotic approaches. Second, it considers what equipment and knowledge it takes to act concertedly upon asylum cases and provides an original and situated account of everyday administrative practices of case-making. And third, it offers a reading of the tentative, fragmented and at times contradictory ways of re-cording lives in terms of asylum that produce asylum subjects and spaces.

Empirically, this book follows three different threads through the *dispositif* in order to grasp (some of) its workings. The first thread follows the ways of knowing and the material-discursive devices required for case-making; the second thread follows cases along the events of their making; and the third thread follows agents' convictions and rationalities regarding

case-making. These threads compose the three main empirical parts of this book: *agentic formations* (Part I), *enactment* (Part II) and *(de)stabilisations* (Part III) of the asylum *dispositif*. Before beginning with the empirical Parts, I introduce my conceptual approach (Chapter 2) and methodology (Chapter 3) in some more detail. Part I then introduces the sensibilities and knowledge one needs to acquire (Chapter 4) and sketches a sort of minimal equipment to become agentic (Chapter 5). It points to the *dispositif's* "embodiment" (Mountz 2003; 2004) deriving from practical ways of knowing and doing and the "equipment" (Thévenot 2002) required to enact the *dispositif*. Part II points to the enactment of the *dispositif* in case-making. My account of case-making indicates a few key "processual events" (Scheffer 2007a) and technologies to render cases resolvable (Chapter 6). Part III highlights the reflexivity of agents involved in casework. It outlines their convictions about knowing and doing asylum (Chapter 7) and points to the rationalities and the broader governmentality at work (Chapter 8). It considers how these contribute to the *dispositif's* (de)stabilisation. The conclusion provides a synthesis of these different empirical parts and considers the theoretical implications of my study (Chapter 9).