Governing asylum through configurations of productivity and deterrence: Effects on the spatiotemporal trajectories of cases in Switzerland

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ABSTRACT

Previous analyses of asylum seeking have drawn attention to the importance of the timing and spacing of governmental encounters. According to these accounts, spatiotemporal arrangements in the asylum procedure influence both asylum seekers directly and also the ways in which asylum seekers are presented to those with discretionary authority. Yet little research has investigated the conjunctures – the 'meeting-up of histories' in Massey's (2005, 4) terms – that shape asylum cases-in-the-making. I argue that, in order to understand the governing of asylum and its sometimes contradictory effects, we need to be attentive to the material-discursive configurations of everyday legal and administrative practice. To illustrate this argument, I will outline the impact of two recent reconfigurations of the Swiss asylum procedure: a managerial emphasis on output-oriented measures in New Public Management reforms of the Swiss Federal Administration and a politics of deterrence, which has gained currency after the introduction of the Schengen area and the Dublin regulation. Drawing upon insights from extensive fieldwork inside the Swiss asylum administration, I highlight how such configurations can shape case trajectories and their outcomes in unexpected yet significant ways and thus contribute to understanding the variegated spatiotemporalities of governing asylum.

1. Introduction

People seeking asylum have become a pivotal concern of governments in and beyond Europe (Gibney and Hansen, 2003). As they have a right under international law to claim asylum outside their 'home countries', the governing of asylum focuses mainly on potential claimants' *access* to national territories and on their *eligibility* for protection under asylum legislations (Bohmer and Shuman, 2008; Hyndman and Mountz, 2007). Applicants' eligibility for asylum is usually evaluated in national administrative procedures that assess their identity and their grounds for protection, namely whether they have a so-called 'well-founded fear of persecution' in terms of the Geneva Refugee Convention (UNHCR, 2010). Practically, this requires filing forms, producing hearing protocols, deciding further procedural tracks, dealing with correspondence, requesting reports, labelling files, and writing rulings. The main

bulk of work in asylum offices[1] is thus directed towards assembling asylum case-files[2]: a process that is sometimes referred to as 'case-making' (Scheffer, 2010). Asylum case-files are following specific pathways of assembly that bear specific timings and spacings in the presentation of asylum seekers and their stories to decision-makers (Gill, 2009). They have a life of their own (Appadurai, 1986; Hull, 2003): they are filled with material records carrying legal references with their specific spatiotemporal scope, they can be closed and reopened, merged and split, and can themselves become a legal reference as an exemplar (in the sense Kuhn, 1967, used the term) or leading case in the administration or appeal body. They are assembled through a series of encounters with components of a

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[1] While in the scientific literature, the terms 'bureaucracy' and 'bureaucrats' are regularly used for government agencies and their members (e.g. Heyman, 2004), they are considered offensive within the public administration, because (in German) they are strongly connoted with red tape and officialism. I will therefore use the more neutral terms 'asylum office', '(public) administration' and 'officials' instead (except for citations from the literature).

[2] Case-files are the basis for individual asylum decisions and consist of all the documents submitted by an asylum claimant and the records produced along the administrative procedure.

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larger *dispositif* (Foucault, 1980, 194–5) of governing asylum. Yet little research has investigated the conjunctures – the 'meeting-up of histories' in Massey's (2005, 4) terms – that shape asylum cases-in-the-making. I argue that, in order to understand the governing of asylum and its sometimes contradictory effects, we need to be attentive to the material-discursive configurations of everyday legal and administrative practice; more specifically, we need to account for the trajectories of such configurations as well as for how they affect encounters of asylum seekers and the trajectories of their abstraction in cases.

This paper complements geographical analyses of mobile (Mountz, 2011a) and biometric borders (Amoore, 2006) and shifting ports of entry (Mountz, 2011b) that govern access and exclusion. It provides an account of a variegated spatiotemporal regime that governs asylum seekers' eligibility in the Swiss administration; this regime affects both encounters with asylum seekers and the suspended or frenzied time they experience in the *borderscape* (Brambilla, 2015; Rajaram and Grundy-Warr, 2007) of governing asylum. Conceptually, analysing how asylum seekers' case-files are assembled offers an avenue to understand the stakes and considerations that influence this process. Providing an ethnographic account "of the 'internal' workings of state institutions, to disclose the mundane, but frequently hidden, everyday world of state officials" (Painter, 2006, 770), this paper contributes to grasping the *prosaics* of stateness. It reveals that the trajectories and outcomes of asylum cases depend on the timing and spacing of administrators' encounters with cases and the applicants these cases refer to. If spaces for asylum are shrinking, as Mountz (2011a,b) stated, this is not only related to active measures to prevent those seeking protection from access to receiving countries and claim-making, but also the specific spatiotemporalities generated by the situated practices in the asylum *dispositif*. For me, situatedness means taking seriously the "meeting-up of histories" (Massey, 2005, 4) in case-making: when, where, by whom, why, and under what circumstances the case-file is taken up and further assembled (see Achermann and Gass, 2003). Furthermore, case-making is interested in what is at stake *in* the case-file itself – establishing eligibility, granting or rejecting protection – but beyond that also in its entanglement in the material politics of asylum and administration (Darling, 2014; Hull, 2012). My approach to the everyday politics of the state is also connected to recent debates in legal geography that call for a "greater inquisitiveness not only about the past but also about multiple aspects of temporality, alongside a more sophisticated conception of space-time" (Braverman et al., 2014, 14).

I will limit myself for the purpose of this article to a small but often neglected intersection in the assemblage of cases: what Cwerner (2004) referred to as the 'time politics' of asylum. Rather than tracing the configurational histories inscribed into single case-files, I will focus on broader governmental configurations, which co-shape case-files' trajectories and often lead to unexpected outcomes. Gill (2009, 225) pointed to some spatiotemporal configurations in the British asylum administration that "serve to separate, distance, defamiliarise and sever them [asylum sector intermediaries] from the asylum seekers over which they hold discretion." Contributing to geographies of asylum, Darling (2014) investigated how one type of material-discursive device, letters with rulings sent to asylum seekers by the UK border agency, are constitutive of a range of state effects, practices, and subjectivities that again depend on the spatiotemporal context in which they are encountered. This paper takes a similar approach into the material-discursive device used in the public administration to deal with asylum applications: asylum case-files. It examines the considerations and circumstances of their becoming in everyday state practices. This paper highlights that when, where and how asylum seekers are encountered and their cases assembled are not simply

technical or procedural questions (Barry, 2001, 5): they are intricately linked to the politics of governing asylum (Gill, 2010).

My analysis draws on research conducted as part of a broader study on the workings and effects of the *dispositif* (Foucault, 1980) of asylum in Switzerland. Empirically, my account rests upon ethnographic research in the asylum office, which is part of the Swiss Federal Office for Migration (FOM)[3] from 2012 to 2014. I spent "time on the inside" (Billo and Mountz, 2016, 10–1) in one of five reception centres and two of eight units in the headquarters where asylum cases are processed. Recurrent negotiation of access in the administration meant transforming my role from more passive participant observation, "dwelling in the offices of the institution" (Billo and Mountz, 2016, 11), to more active involvement in casework as an unpaid intern in the second half of my fieldwork. In my mostly informal discussions with caseworkers, superiors, interpreters, and minute-takers and at administrative events in which I participated, I was perceived as a co-worker (a slightly unusual one, I assume) at some moments and as an observer who was set apart as "the one who is going to write about us" at others. The ambiguous attributions I experienced in the office were reflected in my attempt to position myself as both a sympathetic, engaged participant of casework and a critical, distanced observer; this challenge to navigate closeness and distance and relations of power in the field has been discussed extensively amongst social anthropologists and geographers (Katz, 1994; Mountz, 2007). I am highly aware that my perspective on asylum casework remains necessarily partial and that I was actively involved in producing the accounts I present here.[4] Data includes fieldnotes from participant observation in different units processing asylum cases and informal conversations (both verbatim and paraphrased), transcripts from a few interviews with caseworkers and heads of units, and a collection of organisational documents, including protocols from asylum hearings and other case-documents. In the first part of the article, I will introduce a conceptual frame of case-making and its spatiotemporality for analysing the governing of asylum. In the second part, I focus on two broader governmental configurations and their impact on the spatiotemporal trajectories of asylum cases.

2. The 'little things' of governing asylum

Not only is it the 'little things' (Thrift, 2000) in the practices of government that are decisive for our understanding of geopolitics, including that of governing migration and asylum; their recognition also precedes any meaningful intervention to change practices and their effects. To grasp these little things, I trace how the networks of governing asylum and its objects – case-files – become assembled. I limit myself here to the assembling of case-files to highlight the situatedness of encounters between the elements of the *dispositif* and the institutional timing and spacing of such encounters.

2.1. Case-making: socio-material assembling of cases

The perspective of 'case-making' helps to grasp the multiplicity of conditions and considerations along case-files' trajectories (cf. Scheffer, 2010). It offers valuable insights into the meticulous production of asylum which necessitates an interplay of policies,

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