

‘Only The People Outside Know What It’s Like’

*A discourse analysis on migrant illegality and how rejected asylum seekers assign meaning to
their experiences in the Netherlands*

OGCE Research Master ‘Gender and Ethnicity’ 2010/2012

Utrecht University, Gender Studies Department

Final Thesis (July 2012)

Mari Pitkänen

Student Number 3617653

Contents

Acknowledgements	2
Introduction	3
1. Methodology and methods	12
1.1 Discourse analysis as a methodology	13
1.2 Tailoring the method of doing interviews	19
1.3 Staying accountable: negotiating friendship and visibility.....	25
1.4 Representing as <i>speaking for</i> or <i>speaking with</i>	31
2. Setting the context: the discourse on migrant illegality and the discourse of compassion ..	36
2.1 Building the discourse on migrant illegality through the notion of ‘the Other’	36
2.2 The discourse of compassion as a response to <i>othering</i>	46
2.3 Discourse materialised: the specific situation of homelessness	52
3. Looking at experience: the discourse of rejected asylum seekers.....	58
3.1 The Camp and the Polis: <i>They said: “Weg, ga weg”</i>	59
3.2 Homelessness : <i>I was walking, walking, walking. I cried.</i>	73
3.3 Body as a location of politics: <i>My life is always damaged by politics</i>	85
3.4 The right to have rights: <i>We are human, we need human rights</i>	99
Conclusion.....	109
Abbreviations used in this study	114
Bibliography.....	116

Acknowledgements

I am grateful to people who, in a variety of ways, contributed to making this study a reality. I thank the research participants who shared their stories and lives with me and opened my eyes to a reality different from mine. I am indebted to my co-workers in STIL for their support for this project and the inspiring conversations that gave me food for thought throughout the year spent as a volunteer in the organisation.

I would also like to thank Gloria, my supervisor and mentor, who motivated, guided and gave me confidence to embark on this journey that initially for me it seemed like an impossible task. I also cherish the inspiration I received from teachers and fellow students at the Gender Studies department in Utrecht University.

[...] the historical advances of citizenship have always passed by way of struggles. In the past it has not only been necessary to make 'a part of those who are not part' but truly to force open the gates of the city, and thus to redefine it in a dialectic of conflicts and solidarities. (Balibar, 2004, 50)

We are not criminals and deserve to be a part of society. We have the right to be treated as human beings. We were born free and equal and we demand to be treated with dignity. (Press Release The Hague, 27 September 2011, Vluchtelingen op straat)

Introduction

This study constitutes a discourse analysis of migrant illegality as well as an ethnographic study of the meanings rejected asylum seekers¹ assign to their everyday experiences in the Netherlands. It gives a double meaning to its title 'Only the People Outside Know What It's Like'. The discourse on migrant illegality excludes the group researched from state welfare provision as well as citizens' rights, placing them outside society in many ways. The other meaning of 'outside' comes from the fact that the common denominator of this study's research participants is that they have experienced homelessness in the Netherlands, often literally outside as they brave the streets of this country. As the group is positioned on the outskirts of Dutch society, this study provides an angle to larger questions of migration in the European Union *from the point of view* of rejected asylum seekers residing in the Netherlands.

Migration is a pressing issue in contemporary European politics. It gives rise to questions of national belonging and which rights should be granted to immigrants in the

¹ In this study, the preferred term to denote the researched group is rejected asylum seekers. They are considered a subgroup of undocumented migrants as they have effectively become undocumented immigrants in the Netherlands due to having exhausted their legal means to seek asylum in the country. The fact that they arrived in the Netherlands as asylum seekers and fled their countries to seek refuge there often differentiates their situation from other groups of undocumented migrants.

European Union. And as noted by Balibar, in every European nation state, structures of discrimination exist that command uneven access to citizenship and nationality, particularly those inherited from the colonial past (Balibar, 2004). Undocumented migrants², a group which includes rejected asylum seekers due to their legal position, have become a hot topic in political debates, where they are often depicted as ‘illegal aliens’ that threaten national and regional stability. The countries of the European Union are currently striving to further restrict the options for living that undocumented immigrants have, opting for the stance that these immigrants should not be allowed to reside in these countries. Furthermore, they should be excluded from any state welfare provisions and expelled from the supra-national territory of the European Union (Flynn and Düvell, 2007). The position of undocumented immigrants therefore questions the limits of the political and social community of modern nation states. Their presence within a nation state contests the concept of state sovereignty and the state’s right to decide who it grants civil and political rights as well as economic, social and cultural rights to and who it is entitled to exclude from the *polis*.

As Sardar notes, a politics of differentiation between desirable and undesirable migrants is taking place in Europe. The exclusionary attitudes, the increased policing of European borders as well as the detaining of migrants all aim to make undocumented

² In this study, I use the term ‘undocumented immigrant’ instead of ‘illegal immigrant’ when referring to all immigrants residing undocumented in the Netherlands, rejected asylum seekers are part of this group. There are multiple routes through which migrants end up staying in Europe irregularly. Many arrive in their destination countries along legal routes, as students or on work or tourist visas and overstay the visa expiry date. Migrant workers’ access to applying for a valid work permit is also limited, often leaving residing irregularly in the host country as the only option if they wish to continue working there. Another substantial group of undocumented migrants are family members that legally join their family, but become undocumented as a result of separation or marital breakdown. Rejected asylum seekers often enter Europe through irregular channels, in contrast to the aforementioned groups of migrants that constitute the majority of Europe’s undocumented immigrants. I refer to migrant illegality when discussing it as a *discourse*. The terms ‘illegal immigrant’ and ‘undocumented immigrant’ are often used interchangeably. However the term ‘illegal immigrant’ suggests that the person residing in a country without a valid residence permit or passport is committing a felony. PICUM, a platform for international cooperation on undocumented migrants, recommends using the term ‘undocumented immigrant’ since this term only refers to the lack of a valid residence permit or passport and does not implicitly state that the person in question is committing an illegal act or - worse still - is ontologically illegal. Source: <http://picum.org/en/our-work/undocumented-migrants/terminology/>, last visited 14.6.2012

migration into the European Union difficult. These tendencies are often referred to as Fortress Europe, as this policing and heightened control of migration is organised around differentiation between wanted and unwanted groups of people with racial and ethnic distinctions at its core (Sardar, 2008). Europe's migration policies oscillate, as Balibar notes, between measures aimed at the 'integration of legal immigration' and the 'repression of illegal immigration' (Balibar, 2004, 45). These developments are echoed in the resurgence of the extreme right in European politics as well as in the dominant discourse on migration that focuses on the exclusion of refugees, immigrants, asylum seekers and Europe's Muslim population. From this perspective, as Sardar suggests, direct colonial rule may have disappeared, but colonialism, in its many guises as cultural, economic, political as well as knowledge-based oppression, lives on (Sardar, 2008).

When I started the Gender and Ethnicity Research Master programme at Utrecht University, I knew that I wanted to conduct research among undocumented migrants as I had previously shared homes with and known many undocumented people during the two years I spent living in Spain in squatted buildings. These undocumented friends, especially those from South America, were a part of my everyday life and experiencing several forced deportations of friends and acquaintances made me aware of the immense effects that the creation of migrant illegality had on the lives of the people that fell into this category. Their experiences were in such contrast to the freedom of movement and security of my own life that it became apparent to me that even though all of us were migrants, the fact that I am a white Northern-European and, as such, have access to the political as well as social benefits this position entails, continued to be a dividing line between our experiences.

This research is the product of my year-long participation in the work of the Utrecht-based organisation STIL³. After approaching STIL to gain a more grounded idea of how undocumented people live in the Netherlands, I became aware of the situation rejected asylum seekers encounter in this country as the increasingly strict grounds for granting asylum in the Netherlands have resulted in a growing number of people that arrived to seek refuge falling into the category of undocumented immigrants as their asylum claims are refused. To me, it was striking to be brought face to face with their social reality, as people who seek refuge in Europe and undocumented migrants had remained, to a large extent, two separate categories in my understanding. I learned that these categories of migrants are intrinsically intertwined by processes of migrant differentiation, in which asylum seekers and undocumented migrants are considered to belong to the lower rungs of global migration flows and thus both become the objects of states' exclusionary migration policies. Participating in STIL's work has made me increasingly critical of the belief in Europe as a bastion of human rights, an idea often entertained by the rejected asylum seekers themselves which fails to materialise when it comes to them.

There is a sense of exclusion in contemporary European migration policy which, as Braidotti, Esche and Hlajavoja state, has:

[...]formed into a rather brutal regime of gradual, all pervasive selection, which takes the form of distributing and controlling the forms of entitlement to 'life', 'legality', 'visibility' and 'citizenship'. (Braidotti, Esche and Hlajavoja, 2007, 21)

As noted by these authors, the public debate about the intertwined yet conflicting relationship between citizenship and immigration can be regarded as a state of anxiety that defines our contemporary condition (Braidotti, Esche and Hlajavoja, 2007).

³ STIL is a Utrecht-based non-governmental organisation that provides medical, legal, housing as well as monetary assistance to people residing in the Netherlands without a valid residence permit.

The assessment of the number of undocumented immigrants residing in the Netherlands ranges from 50,000 to 200,000, even though these estimates are highly speculative. These estimates also conclude that more than one third of the total number of undocumented immigrants have sought asylum in this country and this number is steadily increasing, as the number of asylum requests granted in the Netherlands has been notoriously low ever since the 1990s (Van der Leun and Ilies, 2008). This research concentrates on rejected asylum seekers residing in the Netherlands, mainly in the Utrecht area. The research data is compiled from my experiences volunteering for STIL, where I have worked as the project coordinator for the Lente-project⁴ since September 2011, as well as the self-organised group of rejected asylum seekers, *Vluchtelingen op straat*⁵ which I actively participate in. I also conducted several interviews with people I encountered through my participation in the abovementioned projects. In addition to this, I used relevant literature to trace the way in which policy and legislative changes contribute to the researched group's economic, social, cultural and political exclusion, as these exclusionary policies are the root cause of their homelessness. These various, often overlapping, forms of data gathering make up the core of this research.

An overarching methodology used in this study to bring the legal and social restrictions that the research participants face in their daily lives together with their own experiences of exclusion and inclusion, is discourse analysis, understood as a means of connecting the political and cultural contexts as an integral part of how people assign meaning to their lives. Discourse, as used in this research, not only consists of language, but is also inscribed in practices and institutions. My research questions are:

⁴ The Lente-project aims to activate and empower the STIL's clients by organising informal activities. At the moment, the Lente-project consists of a weekly teahouse at the STIL office as well as a weekly cooking group at a community centre in Utrecht.

⁵ *Vluchtelingen op straat* (Refugees in the Streets) is a self-organised group that consists mainly of rejected asylum seekers and aims to create visibility for the problems that rejected asylum seekers face in the Netherlands by organising demonstrations, protest camps, by blogging and attracting media attention.

- How does the dominant *discourse on migrant illegality* limit the material as well as the discursive opportunities rejected asylum seekers have?
- How does the *discourse that rejected asylum seekers produce* when assigning meaning to their own situation relate with the discourse on migrant illegality?
- How does the *specific situation of homelessness*, as the research participants' common denominator, contribute to their experience of the *precariousness* of their lives?
- How is the societal response to rejected asylum seekers, *the discourse of compassion* felt for them, linked to the abovementioned discourses and material conditions?

I will examine the trajectories the research participants go through in the Netherlands paying attention to the commonalities and differences these trajectories have as well as the meanings the research participants assign to their experiences using an *intersectional approach* where gender, race and (non)belonging to a national community are treated as the main markers of the analysis. Thanks to my participation in the lives of rejected asylum seekers, I have come to consider homelessness as a situation faced by many of them as well as a condition that exemplifies the effects of the exclusionary policies that mark the lives of the group studied. Homelessness is also often the effect that is most strongly felt to be an aspect that creates a situation of intensified precariousness in their lives. I will stay close to the research participants' understanding of their own situation and will strive to map out the relevant discourses that shape how these rejected asylum seekers *assign meaning to their own lives*. Throughout this research I will highlight the links between the micro practices of

exclusion that rejected asylum seekers face in their everyday lives and the macro level of European politics.

I hereby hope to contribute to the existing research on undocumented migration, specifically on rejected asylum seekers in the Netherlands and Europe as a whole by providing a glimpse of how the discourse on migrant illegality and the laws, regulations and policies that it gives rise to are experienced from the perspective of rejected asylum seekers and how their lives are defined by this discourse. In this study, the rejected asylum seekers *talk back* to the dominant discourse on migrant illegality, often providing an astonishingly sharp critique of the disciplining powers of a modern nation state where, as Foucault notes, the politics of biopower, the diverse techniques of modern nation states to achieve the subjugation of bodies and the control of populations (Foucault, 1990), affect those who, as Braidotti, Esche and Hlajavoja put it, are allowed to survive and who are deemed fit to perish (Braidotti, Esche and Hlajavoja, 2007). This study also aims to demonstrate how the perspective of gender studies, paying close attention to questions of difference, can contribute to providing novel perspectives and new answers to the pressing issue of migrant exclusion in Europe.

The first chapter of this study will begin by introducing discourse analysis as a methodology. I will show how the discourses discussed in this study, *the discourse on migrant illegality* which is the dominant discourse on rejected asylum seekers, *the discourse of compassion* in the societal responses to rejected asylum seekers' as well as other undocumented migrants and the *discourse of deserving refugees* through which the research participants assign meaning to their experiences relate to one another. From discourse analysis as a methodology, I will move on to examine the implications of conducting ethnographic research with a group that inhabits a highly vulnerable position in Dutch society. In this part, my own position as a *participant, researcher* and an *observer* will also be problematised and

the implications of representing a group that has limited access to its own voice in the Dutch public sphere will be examined.

The second chapter of this study will look at how the discourse on migrant illegality has been historically constructed and what its material implications are. I will examine the policies that are informed by this discourse and how the specific situation of homelessness amongst rejected asylum seekers relates to the discourse on migrant illegality. I will trace the relevant developments in Dutch migration policies using sociological studies, reports by NGOs and legal studies. In this part, the moral economy of Dutch migration policies – in which the discourse on migrant illegality dominates the level of governmental policies – will be examined. This dominant discourse is organised around the notion of *otherness*, defining the group that these policies target as objects of exclusion. This discourse of *repression* conflicts with the *discourse of compassion* that appears in local governments' and non-governmental organisations' as well as individual people's responses to these exclusionary measures. These responses are organised around the notion of *sameness* with the rejected asylum seekers and other undocumented migrants residing in the Netherlands as these compassionate responses evoke a sense of common humanity with the group that the discourse on migrant illegality strives to exclude.

The third chapter of this study will concentrate on the experiences of the research participants and how they assign meaning to them. This chapter will be organised around four main themes: *The Camp and the Polis*, *Homelessness*, *The Body as a Location of Politics* and *The Right to Have Rights*. These four themes sprung from the conversations I had with the research participants and also guide the study's theoretical framework. This chapter will consist of the analysis of the interviews as well as the ethnographic data gathered at STIL and with *Vluchtelingen op straat*. I will illustrate how the discourse on migrant illegality conflicts and intertwines with the meanings that the research participants assign to their own

lives and how the discourse of compassion as a societal response relates to the research participants' discourse of themselves as deserving refugees. In addition to this, I will concentrate on the lived experiences of *exclusion* and *inclusion* they encounter in the Netherlands and, most importantly, how they *survive* this precarious situation and struggle to be the active agents in their own lives.

1. Methodology and methods

In this chapter I will lay out the methodology as well as methods used in this research. The first part of this chapter discusses discourse analysis as an overarching methodology and maps out how the parallel discourses on *migrant illegality*, the *discourse of compassion* in the responses of local governments and non-governmental organisations as well as individual people, and the discourse of *deserving refugees* set the discursive as well as material conditions for the research participants. This chapter will also assess the relevant discussions on ethnographic fieldwork. The latter include the problems conducting research with a group that is in a highly vulnerable position in society present and how I negotiate the roles of researcher, co-worker at STIL, political activist in *Vluchtelingen op straat* and friend, and how the hierarchies of power in these relations affect me as the writer of an ethnographic text and how I struggle to make myself accountable to the research participants. Following the tradition of feminist ethnographic research, the assessment of the methodology and methods used in this research will be discussed on the basis of how the research can contribute to further empowerment of the group researched⁶ and what its potentially negative outcomes are.

The main method used to acquire data for this research was *participating* in the activities of the STIL organisation where I have worked as a volunteer for the past year. This has meant countless hours of organising a weekly teahouse, running a cooking and leisure group for STIL clients as well as listening to the latter's sorrows and joys. The volunteer work has also led me to actively participate in the self-organisation of rejected asylum seekers, *Vluchtelingen op straat*. I took part in organising demonstrations, co-writing press releases for these actions as well as participating in the meetings where the goals and tactics of the self-organisation were discussed. Among the clients of STIL and participants in *Vluchtelingen op straat* I found people who were willing to participate in this research.

⁶ Hesse-Biber, 2007, defines feminist ethnography by its emphasis on the further emancipation of the researched group.

1.1 Discourse analysis as a methodology

This study aims to reach an understanding of the situation of rejected asylum seekers facing homelessness in the Netherlands *from their point of view*. As the overarching methodology of this study I use discourse analysis. I consider discourse analysis a *toolbox* that I use to bring together the various forms of discourse examined in this study: speech, writing and materiality in order to understand how the institutional settings and political situation define the opportunities and limits for rejected asylum seekers' experiences in this country. As Hall states:

[...] discursive formations define what is and is not appropriate in our formulation of and our practices in relation to a particular subject or site of social activity; which knowledge is considered useful, relevant and 'true' in that context and which type of people or 'subjects' embody its characteristics. (Hall, 2003, 6)

As he further notes, discourse analysis therefore focuses on the effects and consequences of *representation*. It does not limit itself to examining how language and representation produce meaning, but also looks at how the knowledge produced within a particular discourse is connected to power, regulates conduct, invents or constructs identities and subjectivities, and defines the way things are represented, thought about, and also the material practices we engage in (Hall, 2003).

Foucault states that the aim of discourse analysis is to 'leave oneself free to describe the interplay of relations within and outside discourse' (Foucault, 2011, 32). Foucault relates his understanding of discourse to the physical and material power relations that constitute it, emphasising the necessity of taking into account the multiple, material as well as discursive, processes that it consists of (Hook, 2001). Discourse analysis as a methodology therefore entails not only listening to the interviews and what was said, but also considering

the powers and institutions that make up the array of opportunities that people have to assign meaning to their experiences. As a guideline for using discourse analysis as a methodology I follow Jørgensen and Phillips. They borrow heavily from a Foucauldian understanding of discourse as a material-discursive process by bringing in Laclau and Mouffe's discourse theory, but also maintain a strong connection to the practice of discourse analysis as a methodology. For them, discourse can first and foremost be regarded as a particular way of talking about and understanding the world or an aspect of the world (Jørgensen and Phillips, 2002).

The methodology of discourse analysis used in this study is based on poststructuralist theory with its rejection of totalising and universalising theories as well as on a social constructivist notion of how discourse and identities are never fully fixed and how it is rather discourse itself that works to construct the social world and assign meaning to it. As Laclau and Mouffe state: 'there is no one discourse and one system of categories through which the 'real' might speak without mediations' (Laclau and Mouffe, 2001, 13). As a methodological guideline, discourse analysis does not aim to 'get behind' the discourse, to find out what people 'really mean' rather the starting point is that reality can never be reached outside discourses and so *it is discourse itself that becomes the object of analysis*. The aim is to explore the pattern in and across statements, and to identify the social consequences of various discursive representations of reality (Jørgensen and Phillips, 2002).

In a poststructuralist notion of language, signs are not locked in a particular relation to one another, as in a structuralist notion of language, but are able to shift in relation to one another and so discourses and the meaning of signs can change in relation to each other (Jørgensen and Phillips, 2002). Discourse analysis as a methodology applies a Foucauldian notion of power. Power does not belong to particular agents, but is spread across different social practices. Power is not exclusively oppressive, but it is productive (*potentia*) as well as

repressive (*potestas*): it creates a certain reality while making other realities impossible (Braidotti, 2006). Power constitutes discourse, knowledge, bodies and subjectivities and, as such, it provides the conditions for the social. This Foucauldian notion of *power as confining as well as enabling subjects* makes it possible to examine how the social world is constituted in discourse and how power works within discourse.

According to Foucault, there is a broader, social appropriation of discourses and these broader appropriations of discourses are systems of subjection that are replicated in the institutional system (Foucault, 1981). In this study, the *discourse on migrant illegality* is examined as a broad appropriation of this discourse that, as replicated in the institutional system, produces the material-discursive effects of exclusion and subjection that the research participants face as they are denoted as *illegal immigrants* in this discourse. Parallel to this discourse, there is a *discourse of compassion* that can be traced back to the responses from society evoked by the effects that the discourse on migrant illegality has on the research participants. The third discourse examined in this study is the *discourse of the deserving refugees* through which the research participants assign meaning to their experiences.

As defined by Laclau and Mouffe, discourse is the attempted exclusion of all other possible meanings that signs could have. This fixing of the meanings of signs is a social process and ultimately impossible, but can nevertheless be used as a tool when defining conflicting discourses and how they struggle to (temporarily) fix the meaning of signs. As such, as stated by Laclau and Mouffe, ‘the field of discursivity is a field of overdetermination, where neither absolute fixity nor absolute non-fixity is possible’ (Laclau and Mouffe, 2001, 111). The fixing of meanings in the discourses examined is constructed around *nodal points*. These nodal points, such as the terms ‘migrant illegality’, ‘refugee’, ‘otherness’ and ‘sameness’ are empty in and of themselves and only acquire a particular meaning when inserted into a discourse. So, as well as being the nodal points within a given discourse, they

work as the *floating signifiers* in relation to other discourses, as different discourses struggle to invest them with meaning in their own particular way (Laclau and Mouffe, 2001).

As such, the discourses examined in this study constitute *the field of discursivity* in which the multiplicity of meanings assigned to the nodal points of each particular discourse is apparent (Jørgensen and Phillips, 2002). The discourse on migrant illegality excludes the definition of the research participants as refugees, but there remains an ongoing tension as the meaning of signs is not fully fixed. Nevertheless, in the field of discursivity remains an *order of discourse*. The order of discourse denotes two or more discourses, each of which strives to establish itself in the same domain. The order of discourse also denotes the area of potential or actual discursive conflict (Jørgensen and Phillips, 2002). As in the discourses analysed in this study, the discourse on migrant illegality conflicts with the discourse of compassion towards rejected asylum seekers as well as the discourse produced by the rejected asylum seekers. In the societal responses based on compassion, the effects of the discourse on migrant illegality are questioned, as the research participants are *forced* into the discourse on migrant illegality by the material forces this discourse exerts on their lives. In the meanings the research participants themselves assign to their own situation, the discourse of considering themselves deserving refugees constitutes the discourse through which the social is constructed, regardless of the material effects the dominant discourse on migrant illegality has on them.

Discourse and identity

As noted by Jørgensen and Phillips, identity is acquired by being represented by a cluster of signifiers with a nodal point at their centre. These identities are, as the meaning of nodal points is always polysemic, accepted, refused and negotiated in discursive processes. Identity, is therefore entirely social, discursive and situated in political practices (Jørgensen and

Phillips, 2002). The discourses examined in this study position the research participants in highly conflicting ways and these positions are intertwined with multiple axes of difference, such as ethnicity, class and gender, which also position the research participants in diverging ways. For Laclau and Mouffe, if, for example, people identify with different classes, it is not because society is objectively constituted by these classes, but because there has been a temporary closure whereby other possibilities for identification, such as gender and ethnicity, are marginalised or excluded (Jørgensen and Phillips, 2002). The subject, or rather the *subject positions*, are not sovereign, as every subject position is a discursive position. In addition to being determined by discourses, the subject is also decentred. It is not positioned in only one way and not by only one discourse, but is rather ascribed by many different positions, by diverse discourses (Laclau and Mouffe, 2001). As this study will demonstrate, there is a strong sense of disidentification among the research participants with the subject position they are assigned in this country, however the discourse on migrant illegality is nevertheless part of their identity, as they need to negotiate their survival through this identity denominator.

Discursive identification as a group identity is examined in this study in the form of the political representation of rejected asylum seekers, as the self-organisation *Vluchtelingen op straat* is actively engaging in producing a public discourse that challenges the dominant discourse on migration in the Netherlands by representing rejected asylum seekers as a group of deserving refugees. As Jørgensen and Phillips note, group identities and group formations are extensions of identity formation, as people are constituted as groups through a process by which some possibilities for identification are put forward as relevant while others are ignored. These pre-constituted discursive identifications can also potentially be mobilised politically and used to criticise the experiences of social conditions that a particular group, such as, rejected asylum seekers, has in common (Jørgensen and Phillips, 2002). As Foucault points out, discursive identifications bind individuals to a certain type of

enunciation and consequently forbid them all others: but it uses, in return, certain types of enunciation to bind individuals among themselves and to differentiate them by that very fact from all others. Thus discursive identification always stands as a sign, manifestation and instrument of a prior adherence to a class, a social status, a race, a nationality, an interest, a revolt, a resistance or an acceptance (Foucault, 1981), and in addition to these axes, according to which discursive identifications take place, gender is a central point of how, in the context of this study, people acquire particular subject positions.

The practice of being given a name, as in this study the practice of denoting a group as ‘illegal’ is, as Butler points out, not simply to be fixed by the name one is called, but by being called a name one is also given a certain possibility of social existence (Butler, 1997). As Althusser points out, *interpellation* denotes the process through which language constructs a social position for the individual and thereby makes her or him an ideological subject. Althusser’s example of interpellation is that of a police officer shouting “Hey, you there!” defining the moment where the individual hailed turns around and becomes a subject of this act of interpellation (quoted in Jørgensen and Phillips, 2002, 15). As Butler notes, language and especially interpellating someone to a particular subject position has the capacity to injure (Butler, 1997), for example when the term illegal is used to denote a group of people. As Joop⁷, one of the men interviewed, states:

When I describe to myself that I am illegal I feel like a criminal. Illegals are criminals, they [talking about the police] have to target the illegals...but we believe that we are refugees, we believe that we have a right to asylum. (Joop)

At this juncture, it is important to note what Butler points out about linguistic survival that creates the conditions for material survival. Within a discourse, one *exists* not

⁷ For the purpose of assuring the research participants anonymity all the names in this study are pseudonyms. I have chosen to assign the research participants typical Dutch names, as this can work as a move that potentially dislocates the pertaining differentiation between ‘us’ and ‘them’ that assigning names that sound ‘foreign’ and ‘exotic’ would do.

only by virtue of being recognised, but also by being *recognisable*. The terms that facilitate recognition are themselves conventional, the effects and instruments of a social ritual that decides, often through exclusion and violence, the linguistic conditions of survivable subjects (Butler, 1997). The discourse on migrant illegality has a linguistic as well as a material/physical dimension which I will analyse by examining how it marks the experiences of rejected asylum seekers. Within this discourse, they are only *recognisable* as subjects for exclusion and, often, violence. As Ahmed points out, words that have associations that do not need to be made explicit work as a key to the emotionality of language. As such, these words that assign a certain subject position to a given individual or a group work as ‘sticky signs’ that also have particular effects on those who recognise themselves as the object of the address (Ahmed, 2004). So, words such as ‘illegal immigrant’ and ‘refugee’ acquire an *affective value* that accumulates through their history of articulation. These nodal points of the discourses are, in diverging ways according to each discourse, temporarily fixed as the meaning and affective value of these words is defined.

1.2 Tailoring the method of doing interviews

The interviews for this research were conducted in the spring of 2012. A total of four sessions were held resulting in twelve research participants being interviewed, two men and the rest women. The fact that all the women were interviewed in a group situation limited the time spent on each person’s story. This was not the case during the in-depth interviews conducted with the two men. What De Vault and Gross call *interview society*, how the practice of interviews resides in the core of ruling regimes in Western societies (De Vault and Gross, 2007), is a very apt description of the interviews that Dutch immigration officials conduct with the members of the group researched. As all the people interviewed arrived in the Netherlands as asylum seekers, they have been interviewed multiple times by Dutch

immigration officials, such as IND (*Immigratie- en Naturalisatiedienst*) staff and those of the DT&V (*Dienst Terugkeer en Vertrek*)⁸. The oppressive nature of these interviews during which they are coerced to disclose intimate details of their lives; what their problems were and why they left their country of origin are significant markers in the lives of the people interviewed, and also made many of the latter reluctant to share their stories. As Joop puts it:

They have everything about my story. Bit by bit, word by word, they have it. And they decided that I have to live in the streets of Holland. (Joop)

The tension of conducting interviews with the research participants arose from the conflicting aims of the interviews to which the research participants have been subjected in the past and the practice of research interviewing, as it is defined by De Vault and Gross by a commitment to social justice and highlighting neglected voices (De Vault and Gross, 2007).

During the interviews I narrowed down the questions asked to the present situation, only posing those directly related to the research participants' stay in the Netherlands. I would always inform the interviewees that if they wished to share their experiences in their countries of origin with me they would be welcome to do so, but that this was not the focus of my research nor did I expect this from them. In the first group interview I posed very general questions about the women's experiences of homelessness and my aim being more to gain more insight into the situation of rejected asylum seekers that had experienced homelessness than to propose specific themes that were of interest to me. After a preliminary analysis of this first group interview, I picked four themes, *The Camp and the Polis*, *Homelessness*, *The Body as a Location of Politics* and *The Right to Have Rights*, that I used as topics during the following interviews. I subsequently maintained these same themes in the analysis of the interviews. I avoided using pre-formulated questions as my goal was to create an atmosphere in which the power relations between the interviewees and myself

⁸ For an explanation of the abbreviations used, see 'Abbreviations used in this study'.

would be levelled to the greatest extent possible, even though I remain conscious of the fact that power relations and unequal power dynamics were always present in these interview situations, as my position in Dutch society differs radically from the research participants' position⁹. The interviews were conducted in a variety of locations, including my friend's home, a place where some of the people interviewed were temporarily given shelter, a café and the STIL office. On several occasions I met the research participants in the morning just after they had to leave the homeless shelter. Besides the interviews, I have met most of the people interviewed on numerous occasions through STIL activities and the self-organisation *Vluchtelingen op straat*.

I chose to conduct the interviews with women in groups partly because of the difficulties of finding an interpreter that the latter would trust and with whom I would have the opportunity to conduct multiple interviews, as well as because the women themselves wished to bring other women along who were in a similar situation. At first I was hesitant about conducting interviews in a group situation, as this would limit the time I could spend and the depth to which I could go with each research participant. But as I conducted the interviews in this manner, I came to see them as moments during which these women were not only telling me about their situation but, were also collectively assigning meaning to their own situation, reflecting each other's feelings and commenting on the similarities between their stories. I also noticed that these group situations created a heightened awareness for myself of the difficulty the research participants had talking about their own condition, as on many occasions they indicated that it was very painful and stressful. On several occasions the conversation would be cut short as the woman interviewed or someone else would notice that the emotions, the sadness and anger that people felt, had become unbearable. This made me more sensitive to the continuous stress that their daily lives cause and this helped me to

⁹ I give a more thorough account on how I negotiate my own unequal social position in relation to the research participants in the part 'Staying accountable: negotiating friendship and visibility'.

ascribe a higher value to conversations and activities that can provide them with a sense of *normal life*, a topic that is discussed below in the third chapter of this study. As De Vault and Gross suggest, it also encouraged me to carefully think through the interviews' purpose. Respecting the time, effort and pain involved in the interviewees sharing their stories (De Vault and Gross, 2007).

All of the interviewees found it difficult to talk about their daily lives. This encouraged me to direct the research topic towards the meaning the research participants assigned to the exclusionary policies of the Netherlands that they face as this made it easier for them to speak about their daily lives. As the aim of this research is to spotlight the point of view of the people interviewed, I encouraged people during the interviews that followed to tell me about their experiences and opinions on how they interpreted the rejection of their asylum case and subsequently ending up as *de facto* undocumented immigrants. These conversations also provided insight into the daily lives of the interviewees, as these exclusionary policies would often be exemplified by anecdotes from their daily lives. This shift in focus to examine not only the research participants' strategies for everyday survival, but to also discuss the meanings assigned to the exclusionary policies faced by the research participants directed me to the notion of how the key to understanding how the interviewees made sense of their lived reality and negotiated their identity was through a discourse of deserving refugees struggling with exclusionary policies that define them as illegal immigrants. As such, they view their everyday situations not as a result of anything they did, but as the direct result of policies implemented. These shifts in focus made discourse analysis the methodology of choice, in which the research participants' way of assigning meaning to their situation is regarded as a conflicting discourse to the discourse on migrant illegality, a discourse into which the research participants are forced.

Experience and interpretation

I follow Scott in the notion of experience always being discursively constructed. Scott suggests that all categories of analysis should be taken as contested, contextual and contingent instead of continuing to adhere to the idea that there is an unmediated relationship between words and things, and therefore a naturalised conception of experience. It is, as Scott notes, beneficial to study how the categories through which we analyse experience have become the categories through which we explain experience. The concepts that construct experience are already interpretations, ones that correspond to an appropriation of a system of rules. As such, experience is always at once an interpretation and something that needs to be interpreted, not the origins of our explanation, but that which should also be explained (Scott, 1991). The categories through which the research participants assign meaning to their experiences are not ‘the origins’ of their experience and so the aim of the interviews was to collect accounts of *how the interviewees’ experiences reflect the discursive formations* that were laid out in the first part of this chapter, refraining, as De Vault and Gross suggest, from taking these accounts as straightforward accounts of an ‘actual’ experience (De Vault and Gross, 2007).

In the two in-depth interviews that I conducted with men I did not need an interpreter as we all spoke English. As I have been active in the self-organisation *Vluchtelingen op straat*, I worked together on several occasions with one of the men. This meant the interview was not only an interview, but also a conversation, during which we exchanged opinions on how the organisation’s political actions had been received by the people participating as well as the Dutch public. In this situation, as De Vault and Gross point out, the interview became a two-way encounter, in which we, because we share a common interest would also engage in sharing common knowledge (De Vault and Gross, 2007). During the group interviews, as they were conducted with the help of interpreters (during the first interview the interpreter was one of the interviewees and during the second it was a

friend of mine who has also occasionally participated in STIL activities) I was often more of a listener than an interviewer. I would explain to the interpreter the themes that I would like to hear about and the conversation would then take on a life of its own.

The problem of interpretation, as only four of the research participants shared a language with me to the extent that all communication could be conducted without an interpreter, was the most prevalent marker of most of the interview situations. I take *rudimentariness*¹⁰ as a tool when relating to the interviews, as the absence of a common language was a given that organised the interview situations. As no one was a native speaker, *linguistic rudimentariness* was therefore, as Rosello suggests, the language shared by the research participants and myself. As it is impossible to isolate linguistic competence from a specific social, political and cultural context (Rosello, 2011), I adopted *rudimentariness as a way of thinking*, not as stage that needs to be overcome. Following this notion, I avoid constructing linguistic rudimentariness as a lack, but view it as a temporary effect of the positions that both the research participants and I inhabit which are similar in some ways, yet very different in others as we have to express ourselves using languages that are not ours. Whilst transcribing I have remained close to the linguistic formulations that the interviewees and interpreters use. These formulations often present a rudimentary use of English and Dutch, but are nevertheless a rich entry point to the way the research participants' realities are constructed. This is exemplified by Jasmijn's use of a mixture of English and Dutch where it is notable how words that denote *exclusion* are uttered in Dutch whilst the conversation is

¹⁰ Rudimentariness is used by Rosello in her work on comparative literature. She interrogates who is rendered ontologically and culturally ignorant. Rudimentariness is, according to her, associated with relative power, where the language used by the diasporic subject, the immigrants, is treated as substandard. As stated by Rosello 'the foreigner is always a barbarian who should assimilate but never will and will forever be in a state of rudimentariness: rudimentariness will then become his or her identity' (Rosello, 2011, 316). Rosello points out that for some the rudimentary use of language by the immigrants provokes a rejection, where the sometimes incomprehensible words uttered delegitimise what is said. These moments are not only caused by 'the native's' insistence on perfect grammar but also because they only wish to hear what is intelligible when such grammar is used (Rosello, 2001).

mainly conducted in English. As she interprets the experiences Femke had whilst living in an AZC (*asielzoekerscentrum*):

They said [to Femke] that if you don't go back to your country, you must go to *op straat* (in the streets). So that's why I come to *op straat*. (Femke interpreted by Jasmijn)

1.3 Staying accountable: negotiating friendship and visibility

This study started as what Buch and Staller call *an ethnographic problem* (Buch and Staller, 2007). As noted in the introduction to this study, my interest in questions concerning undocumented migration sprung from friendships that I had with undocumented people. This had given me a sense of heightened awareness of the problems that the exclusionary measures meted out to undocumented migrants cause in Europe. As I started a literary search on undocumented migration in the Netherlands what I was mostly able to find was research in which the undocumented migrants were the object of sociological studies¹¹. These studies provided a useful background for my research, but the point of view of the research participants was hard to trace in these studies, as the focus was on mapping out how undocumented people find their way to education, healthcare, work and housing in the Netherlands.

The ethnographic approach chosen for this research thus aims to bring forth the experiences and meanings assigned by the research participants to their own situation. As this study is a combination of interviews as well as my own participation in the organisation STIL,

¹¹ For Example: *Kox, Mieke: Het Leven Gaat Door: een onderzoek naar de effecten van het illegalenbeleid op het leven van uitgeprocedeerde asielzoekers in Utrecht, Stichting LOS Utrecht, 2011* and *Van der Leun, Joanne: Looking for Loopholes - Processes of Incorporation of Illegal Immigrants in the Netherlands, Amsterdam University Press, Amsterdam, 2003*

this research is compiled on the basis of, as Buch and Staller define it, using the self as much as possible in order to gain knowledge about the daily lives, experiences and social context of the research participants in order to get an in-depth understanding of how they make sense of their lived reality (Buch and Staller, 2007). As Rabinow states, the interaction with the research participants directly influences the accounts that people give of the studied phenomena and the face-to-face relations with informants are the defining factor of ethnographic knowledge (Rabinow, 2007). As my involvement in the organisation STIL organisation as well as in *Vluchtelingen op straat* works on multiple levels of which conducting this research is but one, this also greatly influenced the information that I acquired.

Choosing the field in which to conduct research was a prolonged process. I was actively volunteering in STIL and also contacting and collaborating with other organisations that work with undocumented immigrants in the Netherlands for a period of some months. I informed these organisations of my interest in conducting my master's thesis research on the topic of undocumented migration in the Netherlands but, as I was still narrowing down the possible fields myself, I did not propose a specific research plan to any of the organisations. This gave me a possibility to assess what my own possible contribution to these projects could be and, secondly, where I could start a research project. These first months of the research process gave me access to information on the situation of undocumented immigrants in the Netherlands as well as contact with people with whom I would later on discuss the research proposal as well as many of the research participants. As such, I gained access to the field informally during my volunteer work in STIL and, as I decided that it was also the place where I wanted to conduct this research, I approached the board of the organisation with a research proposal and gained approval for the project.

The requirement of *informed consent* from people participating in a study is of pivotal importance whilst conducting research among groups that are in a vulnerable position in society. I consider that my choice of gaining access to the field as a volunteer worker played an important role in building *rapport* with the research participants. As the research participants have trust in STIL as an organisation, this same trust would be also bestowed on me. Also my participation in the self-organisation *Vluchtelingen op straat* enabled me to build stronger ties with the research participants. During the time that I conducted this research, I constantly felt more of a *participant* than a *researcher* or an *observer*. This also created difficult moments of negotiation for me as I gained permission from the organisation itself to conduct this research but, as the people that I would interact would often change on a weekly basis due to the rapid changes in their housing situation as well as other circumstances that force many rejected asylum seekers to keep on the move, I made a conscious decision to maintain the role of a participant and a volunteer worker with the people I met through my work in STIL and whom I did not have as research participants.

As my participation in STIL has become an integral part of my everyday life, as Whitaker argues, the personal and political have also become intertwined in the politics of this study (Whitaker, 2011), and my relationship with many of the research participants as well as the co-workers and other clients of STIL can also be defined as friendships. But the critical potential of friendship, as noted by Whitaker, arises from a situation where it is not regarded as a field free of power differences but as a social and political intimacy with the research participants in which the danger of betrayal grows greater (Whitaker, 2011). As discussed above, the *rapport* shared with the research participants made it possible for them to disclose their situation and feelings to a great extent, but as my participation in their daily lives stretches beyond the interview situations, on many occasions the disclosed feelings and information were reported to me as a friend and a volunteer worker of STIL rather than as a

researcher. The most important aspect of this was how my position as a volunteer worker also occasionally made it necessary for the research participants to confide in me concerning their situation. The abovementioned questions remained a constant negotiation that proved very challenging during the course of the research. And I have no doubt that it has often been impossible for me to adequately negotiate these roles.

To be visible is to be controlled

To maintain accountability towards the research participants I have focused this study on the recorded interviews conducted with them and refrain from disclosing information about them that might make them recognisable. I have changed the names of the research participants and occlude their countries of origin. I took these steps in order to prevent possible negative outcomes from this study. These decisions also led me to concentrate more on the *meanings* and *feelings* present in the stories that I was told rather than the specific locations and situations. As many of the research participants live in constant fear of being caught by the Aliens Police (*Vreemdelingenpolitie*), I considered it necessary to obscure any information that might possibly enable them to be located. The conflicting nature of *visibility* for the research participants became apparent to me through discussions with co-workers at STIL and researchers who have conducted research into undocumented migration. Providing information on the situation of undocumented migrants is not automatically beneficial to the group studied, as to be visible in society also means to be *controlled*. Studies that provide specific information on the location and survival strategies of undocumented immigrants can be helpful for further research as well as for advocating the rights of undocumented people, but are also readily accessible to the Aliens Police and other governmental institutions that

aim to further restrict the researched group's opportunities for survival and permanence in the Netherlands.

Situating myself

Because I worked for STIL I became, to an extent, a part of the daily lives of many of the research participants. Nevertheless, this did not make me an *insider*¹² to their lives, as my social position in Dutch society is radically different from theirs. I was not only positioned as the volunteer *worker* in the organisation and the research participants as the *clients*, but also the fact that I am a European citizen and white remained clear markers of distinction between us, as all of the research participants were African people of colour. During the research period I noticed that acknowledging explicitly my own social position and how it differed from the research participants, as suggested by De Vaul and Gross (2007) often led me to gain more insight into the research participants' experiences and especially their views on immigrant exclusion. At these points in time, my own location¹³ became pivotal, as I felt that even though we would often share the same space I can often be described using Bauman's term *a tourist* whilst the research participants are *vagabonds* within globalisation. Bauman states that those 'high up', the tourists, travel through life according to their desires and pick and choose their destinations according to the joys they offer. Those 'low down', the vagabonds, often occupy a highly unprepossessing position which they would gladly leave but

¹² The notion of insider or outsider is used to describe the level to which someone becomes part of the group they study (Buch and Staller, 2007, 205). For example Abu-Lughod defines herself simultaneously as an insider as well as an outsider during her field work amongst the Bedouins of Egypt. She positions herself in this manner because she shares the ethnicity and language of the people she studies to an extent but nevertheless remains an outsider in the sense that she has not lived the traditional Bedouin life herself and is therefore not 'a native' (Abu-Lughod, 1999). I continue to be an outsider to the social position of my research participants since I do not share identity markers with my research participants to the extent as, for example, Abu-Lughod did and my social as well as legal position as a European citizen 'excludes' me from becoming an insider of the group studied.

¹³ As Rich states in her speech 'Notes toward a Politics of Location; it is 'my body' that plunges one into lives experience and its particularity. My particular body is where I speak and act from, it opens up the possibility of accessing some realities whilst making other realities unreachable (Rich, 1987).

they have nowhere else to go, since they are not likely to be welcomed anywhere else. As he states: ‘Some of us enjoy the new freedom of movement *sans papiers*. Some others are not allowed to stay put for the same reason’ (Bauman, 1998, 87). For the research participants, I am a person presenting the European white majority, placing me inside the structures that work to oppress them, but also as a compassionate listener. As such, acknowledging my position also enabled the research participants to *talk back* to me, formulating a discourse that is not only directed at me, but is also aimed directly at people inhabiting my social position in society at large.

In a feminist understanding of power relations, the personal and the political are inseparable. As the majority of the people interviewed for this research were women, questions of differences between women, resisting a simple reliance on this categorical identity became prevalent during the research. In feminist research practice, the notion that all women are the same and positioned evenly in the social landscape has been dismantled, through the work of women of colour, queer women and many others (De Vault and Gross, 2007), and the implications of these insights also guide my understanding. The fact that I share a gender category with most of the research participants made it easier to share questions concerning the particular challenges that the female research participants face *as women*, but the gender similarity did not automatically mean that our experiences would be more commensurable, as our ethnic/racial differences as well as class, age and education often differed greatly. As such, as De Vault and Gross point out, I the researcher and the research participants were both *similar* and *different* in different contexts and along different axes (De Vault and Gross, 2007).

1.4 Representing as *speaking for* or *speaking with*

Rejected asylum seekers are an exceptionally heterogeneous group of migrants, a group created by migration policies rather than by a shared identity based on race, ethnicity, class or gender. The position of each individual is highly different, even though they all encounter similar difficulties in the Netherlands in gaining access to social, economic and cultural as well as civil and political rights. I will therefore refrain from asserting that rejected asylum seekers are subalterns, but maintain that the theoretical angle that Spivak selected to interrogate how, especially the West, deals with the subaltern is very valuable when examining how one can learn how to be accountable for acknowledging one's own privilege in a society and how one represents a group that is struggling to get its voice heard in the Dutch public discourse.

Learning from

A question that I have often been asked when working at STIL, and a question that has encouraged me to focus on the positionality of each research participant and also assess my own positionality in this respect is 'What would you do if you were in my situation?', referring to the situation that the research participants face in the Netherlands. This question opens a necessity to *learn from* the particular subject position that the person addressing this question to me inhabits in Dutch society. This ties into, as Spivak describes it, *learning how to learn*; being open to the subaltern and meaningfully coming to terms with her/his difference and agency, being ready to accept *an unexpected response* (quoted in Kapoor, 2004, 537). Kapoor argues that it is not enough to try and efface oneself, to benevolently try and step down from one's position of privilege, as this gesture can also be a reinforcement of

one's unequal social position and the power invested in it, not a disavowal of it. As Kapoor writes,

[...]rather, the idea is to retrace the history and itinerary of one's prejudices and learned habits (from racism, sexism and classism to academic elitism and ethnocentrism), stop thinking of oneself as better or fitter, and unlearn dominant systems of knowledge and representation. This is what Spivak calls a 'transformation of consciousness - a changing mind set [sic]' (1990a: 20), and what others have variously penned as 'decolonisation' (Fanon), 'conscientisation' (Freire) and 'accountable positioning' (Haraway). (Kapoor, 2004, 641)

Thinking through the notions of *learning to learn* and *learning from below* enables me to gain an awareness of how my own preconceptions affect the way I interact with the people I work with at STIL and also when representing them in writing, how these prejudices and learned habits affect my writing. As the question 'What would you do if you were in my position?' echoed in my mind, I began to trace the assumptions that I took for granted, that guided my thinking in answering this question. I would, as a first response, think of the limitations that would be brought to my life if I would be living undocumented in the Netherlands but soon realised that to answer this question, I would have to learn from the experiences of the rejected asylum seekers in order to see the privileges that I have in Dutch society and take for granted/that guide my thinking. This does not mean disregarding my own position nor reinforcing it, but critically noticing how racial, class, gender, ethnic as well as linguistic and religious differences and one's age and health constitute the basis on which the possibilities to act and interact rise. As such, in order to provide an adequate response to this question it is pivotal to first know one's own position in order to learn from the particular subject position *to whom I respond* and *imagine* the possibilities and limitations that their position in Dutch society produces.

Us and them

As Kapoor notes, the encounters with, and the representations of, ‘our’ *subjects* are coded or framed, often in terms of an us/them dichotomy in which ‘we aid/develop/civilise/empower *them* and changing this relationship is not merely a question of semantics or good will’ (Kapoor, 2004, 629). As is apparent in the organisations that work with rejected asylum seekers and other undocumented immigrants in the Netherlands, including STIL, these subjects are called *clients*, suggesting a working relationship between the two parties, but the work done by the organisations is called *helping*. This naming continues to underline and uphold the dichotomy and power relations of *us/them*. These fixed power relations, in which I, as the volunteer worker, am located in the *us* of the people helping the ones that need help begs the question, as Kapoor notes, of who represents whom and what baggage positions us in this manner (Kapoor, 2004).

As the group studied, to a large extent, lacks its own voice in Dutch society, the question of how one represents them is of major importance. I will assess the possibilities of *speaking with* and *speaking to*¹⁴ instead of *speaking for* them, as well as the questions of *who is speaking for whom* in the section *Right to have rights* of the third chapter of this study. One’s institutional positioning always mediates the representation and engagements with, what for Spivak is the Third World subaltern and in the context of this research I view the rejected asylum seekers individually as well as a group. As Andreotti states, attempts to speak for the subaltern, to enable the subaltern to speak or even to listen to the subaltern can very easily end up silencing the subaltern (Andreotti, 2007). As Spivak sees it, the question of representation, self-representation and representing the Other is a problem, but it is a problem that will not be solved and with which it is necessary to *stay with*. The attempt to give voice to

¹⁴ Spivak discusses the difference of “speaking for” and “speaking with”. She argues that “speaking for” as mapped out in her essay ‘Can the Subaltern Speak?’, 1988, runs the risk of misrepresentation and rather than “speaking for” subaltern groups, it is necessary to “speak with” and “speak to” these groups to lessen this danger (Spivak, 1990).

people that do not have the opportunity to represent themselves is fraught with the danger of misrepresentation. But as Spivak also notes, constructing the Other simply as an object of knowledge would not be a viable solution to the problem (Spivak, 1990).

Representation

Representation is always a double-bind in which, according to Spivak, *vertretung*, political representation as a portrait, disconnected from the subjects represented, is always intertwined with *darstellung*, representation as a subject position from which one speaks (Spivak, 1988). As Beverley notes, ‘the intertwinement of these two forms of representation also means that the subaltern cannot speak in a way that would carry authority or meaning for non-subalterns without altering the relations of power/knowledge that constitute the subaltern in the first place, enable him or her to speak’ (quoted in Andreotti, 2007, 71). These questions of representation become very apparent as the aim of this research is to provide a discourse analysis from the point of view of the research participants. As my own position does not allow me to imagine that I could provide an account as an insider, from the position of *darstellung*, the position available to me as a researcher is to speak from a position akin to a compassionate and concerned bystander, and a political activist producing a representation more as a portrait, as *vertretung*.

Through the attempts to learn from the subjects that this research aims to represent, I have become more aware of the difficulty that representing a group of which I am not a part entails. This is exemplified in situations where the self-representation (*darstellung*) that rejected asylum seekers wish to transmit to the Dutch public is in my opinion not intelligible for the Dutch majority. In these situations I consider my understanding of how the Dutch public discourse is constructed and how messages are interpreted to be better informed

due to the class and racial privileges that I have. This has become apparent to me as the distinction between a *citizen* and a *human* as well as *illegal* and *legal*, that remain the dividing lines of migrant inclusion and exclusion in contemporary European politics is not always brought to the fore in the discourse produced by rejected asylum seekers themselves, as will be noted in the section *The Right to Have Rights*. Nevertheless, omitting this distinction in the claims made in the Dutch public sphere can make the rejected asylum seekers unrecognisable to the Dutch public as well as in political discourses that are built around the aforementioned notions as will be shown in the next chapter. As I (in)voluntarily steer the representation of rejected asylum seekers through my influence in the discourse produced about them in an attempt to make it more recognisable to the dominant discourse on migration and thus increase its power to subvert it, I simultaneously confirm Spivak's consideration that entering the public discourse necessarily alters the self-representation of the studied group.

2. Setting the context: the discourse on migrant illegality and the discourse of compassion

The first section of this chapter maps out *the discourse on migrant illegality*, with a focus on the Netherlands and how the discourse has historically and is currently used as a discourse of differentiation and exclusion. A growing number of migrants, including rejected asylum seekers, fall into this category as a result of contemporary migration policies in Europe. The second section of this chapter will illustrate the material effects of the discourse on migrant illegality, focusing mainly on the connections between citizen's rights and welfare state provision in the Dutch context, as – particularly since 1990s –the Netherlands has strived to link access to basic social services to the residence permit. In this part, the moral economy of the discourse on migrant illegality will be examined, as the governmental policies of *repression* are contested by non-governmental organisations' and local governments' as well as individual people's *discourse of compassion* as they aim to ameliorate the effects these exclusionary policies have on the lives of rejected asylum seekers and other undocumented immigrants. The third section of this chapter examines how the exclusion of rejected asylum seekers from economic, social and cultural rights, as well as civil and political rights, creates a situation in which the researched group encounters homelessness, resulting in heightened precariousness of life due to the material-discursive effects of the discourse on migrant illegality.

2.1 Building the discourse on migrant illegality through the notion of 'the Other'

As Van Eijl states, regulation of migration is not a recent phenomenon in the Netherlands and the mechanisms of inclusion and exclusion were already laid down in the Dutch Aliens Act of 1849 (*Vreemdelingenwet 1894*). During this period, migrants without a residence permit were

not officially admitted, but this did not make their stay *illegal* as the Aliens Act was not rigorously implemented. As a result, during this time there was no significant difference between those who were officially admitted to the country and those who were not. The government officials were only concerned with denying residence permits to those who could not financially support themselves. As such, the main purpose of the law was to prevent the entry and residence of poor aliens who were liable to becoming a *public charge*. Despite the fact that in the 19th-century and early 20th-century migration laws were not differentiated to a large extent, they gradually evolved into increasingly complicated pieces of legislation, followed by a number of categorisations of aliens, these categories forming into definitions of *refugees*, *labour migrants* and immigrants who entered the country for *family reunification* (Van Ejil, 2008).

The construction of *migrant illegality*, as a form of denoting a group of immigrants, started in the 1920s with the demarcation of certain groups as *unwanted aliens*. At this time, the term *illegal* started cropping up in policy documents and public debates on migration (Van Ejil, 2008, Kox, 2011). The distinction between documented and undocumented immigrants indicated an increased differentiation between citizens and aliens, and a further differentiation between different groups of aliens. The appearance of the term *illegal alien* also coincided with the emergence of concerns about too many foreigners entering the Netherlands at a time when further immigration was considered undesirable i.e. during the economic depression of the 1930s (Van Ejil, 2008).

During the period after the Second World War until the beginning of the 1970s there was growing demand for low-skilled labour which provided room for spontaneous immigration to the Netherlands, mainly from the Mediterranean region and former Dutch colonies, such as Surinam, and the restrictive measures on immigration were subsequently lifted during the post-war period. This was, as Van der Leun and Ilies state, a period when the

Dutch migration admission policy operated as a large-scale *system of inclusion*. In the wake of the 1973 oil crisis, the Netherlands stopped its labour migration programme and, as the majority of these guest workers that had arrived to the country did not return to their countries of origin, it became apparent that these people would remain in the country. This led the Dutch government to realise that the guest worker programme could not be regarded as a temporary solution as the majority of these migrants were in the Netherlands to stay. Nevertheless, there was a shift in Dutch migration policies that disallowed many labour migrants from legalising their status. These developments were the first time that a sudden shift in migration regulations created a large group of undocumented immigrants in the Netherlands (Van der Leun and Ilies, 2008).

According to Van der Leun and Ilies, and in line with the trend in most Western-European countries in the 1980s, asylum migration represented much of the immigration flows to the Netherlands during this decade. As the number of asylum claims rose between 1988 and 1994 from less than 10,000 to over 50,000 and until the notable tightening of its asylum-granting regime in 2000, the Netherlands was among the countries that received the most asylum seekers in Europe, both in absolute asylum numbers as well as in the proportion of asylum applicants (Van der Leun and Ilies, 2008). As a result, migration policy in the Netherlands shifted towards a more restrictive approach and, as Kox points out, concerns about restricting the number of asylum seekers in the country became a separate theme in migration politics in the 1980s (Kox, 2011). Questions concerning immigration became increasingly relevant to society and public debate, and new policies were implemented that were aimed at the well-being and integration of immigrants as well as implementing visa requirements, work permits and border checks aimed at controlling and hampering unwanted immigration (Van der Leun, 2003). In 1989, illegal migration was introduced as a separate section in migration policy for the first time and this, according to Kox, marked a shift from

the relative tolerance of undocumented migration to a significantly more restrictive policy (Kox, 2011). As Fassin notes, the rhetoric of ‘the asylum crisis’ reinforced the confusion of economic immigrants and political refugees, thereby discrediting the latter. Asylum seekers became suspect. Soon the dramatisation of this discourse legitimised the use of more severe criteria for the recognition of legal status and an increasing restriction of social rights. Asylum, in its contemporary state has, as Fassin argues, thus become a concern of ordinary policing, interrupted only by specific political emergencies that arouse temporary public sympathy toward victims (Fassin, 2005).

The more rigorous policies targeting undocumented migration were partly a reaction to the perceived ‘asylum crisis’ of the Netherlands in the 1990’s and the idea that the country was ‘full’ (Van der Leun, 2003). The discussion concerning migration in Dutch politics in the 1990’s and early 2000’s was marked by *Pim Fortuyn*, who was an outspoken critic of multiculturalism and an advocate for closed borders. He also strongly stimulated the idea that the Netherlands was ‘full’. As Geddes notes, ‘his discourse struck the public discourse of the time revealing a sense of uncertainty, insecurity and dissatisfaction among the Dutch population that reached beyond the supporters of the extreme right wing’ (quoted in Van der Leun and Iliès, 2008, 4). A contemporary advocate of especially anti-Islamic feelings, an opinion Fortuyn also shared with him, and a more exclusionary migration policy for the Netherlands is *Geert Wilders*. He is the founder of PVV (*Partij Voor de Vrijheid*) that is currently the third largest party in the Netherlands. He has campaigned extensively in opposition to, what he calls ‘the Islamisation of the Netherlands’ and has also proposed stopping Muslim immigration into the country altogether. Even though he is a controversial figure, Wilders, as did Fortuyn in his time, has raised support beyond the extreme right wing with his message that resonates with fears of what unfettered immigration might bring to the Netherlands and the perceived incompatibility of fundamentalist Islam with Western values.

Becoming undocumented

Despite the fact that undocumented migrants remain invisible in the statistics on migration, as Van der Leun points out, there is a widely held consensus that large and increasing numbers of undocumented migrants reside in all European countries. This is a consequence of the ever stricter immigration policies in European states which have increasingly restricted the opportunities for legal migration and have therefore pushed a growing number of immigrants towards illegal channels, or if they entered the country with a valid visa, to overstay their visa. Estimates of the number of undocumented immigrants residing in the Netherlands range from 50,000 to 200,000 and are highly speculative. The majority of the undocumented migrants supposedly live in the Randstad conurbation (Van der Leun, 2003). As Van der Leun and Ilies point out, the main cause of irregularity in the Netherlands is *overstaying* i.e. remaining in the country even though one's visa has expired or, in the case of the researched group, a *failure to depart* after exhausting the options provided by the available asylum procedures. It is estimated that rejected asylum seekers account for more than one third of the total number of undocumented immigrants in the Netherlands. This number is currently increasing slightly as the asylum procedure implemented on the back of the 2000 Aliens Act (*Vreemdelingenwet 2000*)¹⁵ creates a substantial group of rejected asylum seekers. This is because the number of asylum requests granted is rather low (between 10 to 40%) for the principal countries of origin (Van der Leun and Ilies, 2008).

Rejected asylum seekers end up being *de facto* undocumented immigrants as they generally do not wish to be voluntarily repatriated as the reasons for emigration often

¹⁵ The revised Aliens Act came into force in 2001 with the aim of speeding up asylum procedures. It states that 'Illegal immigrants are aliens who live in the Netherlands without official permission. Under the Aliens Act 2000, an alien's freedom of movement can be restricted or taken away entirely in certain cases. This may be done to prevent someone going into hiding to avoid deportation. The Aliens Police and the Royal Military Constabulary can check to see whether aliens lawfully reside in the Netherlands. They can stop them, demand identification and take them away for questioning if they suspect that they are illegal immigrants. They may also stop vehicles, confiscate travel and identification documents and, if they suspect unlawful residence, enter a home without the owner's permission.' Source <http://www.unhcr.org/refworld/pdfid/47fdfaea0.pdf>, last visited 15.5.2012

remain present and return to the country of origin might not provide them with a better perspective for the future than remaining in the Netherlands without a residence permit. Rejected asylum seekers are responsible for leaving the country themselves¹⁶ and as Van der Leun and Ilies state, the idea is that asylum seekers who manage to arrive in the Netherlands on their own, therefore must depart at their own initiative. They further note that if rejected asylum seekers fail to leave the Netherlands voluntarily, they can be removed by force from their homes or from the AZCs or other reception centres where they reside. However, in practice many people successfully appeal as only approximately 50% of those served with a deportation order are actually removed from the Netherlands. The rest therefore abscond (Van der Leun and Ilies, 2008). Unlike in many other European countries, undocumented residence in the Netherlands is not a crime and therefore not punishable *per se*. However, based on the Aliens Act of 2000, many undocumented migrants are detained in an attempt to expel them from the country. Together with the UK, the Netherlands is the only country in Europe where there is no maximum detention period provided by the law for the detention of undocumented immigrants. From a legal point of view, the detention experienced by undocumented migrants is not a penal matter, but administrative in nature. As Van Kalmthout notes, there are nine special detention centres in the country for the detaining of undocumented migrants, including rejected asylum seekers, and some 20,000 immigrants are confined in detention centres, police stations as well as penal institutions every year (quoted in Van der Leun and Ilies, 2008, 10). And contrary to the political rhetoric of detention as an effective way of hampering the undocumented from staying in the country this is not necessarily followed by an expulsion. As a consequence, many undocumented immigrants are simply released back onto the streets (Van der Leun and Ilies, 2008).

¹⁶ DT&V states clearly in its policy that the responsibility for leaving the Netherlands for rejected asylum seekers, as well as other undocumented immigrants, lays with the undocumented person her or himself. Source: <http://www.dienstterugkeerenvertrek.nl/organisatie/terugkeerbeleid/>, last visited 28.4.2012

As Van der Leun and Ilies also point out, the channels out of an undocumented existence are, as they state, ‘virtually non-existent’ for immigrants that are not from another European Union member state (Van der Leun and Ilies, 2008, 35). The options available are to apply for asylum and to marry a Dutch national. But as noted above, the number of asylum requests granted in the Netherlands is very low and the scope for starting a family consisting of a Dutch national and a non-EU foreign national has been greatly limited by the measures introduced in the first decade of the 21st century. More importantly this has meant that if an undocumented person wishes to marry a Dutch national, he or she has to return to their country of origin to apply and wait to be granted ‘an authorisation for temporary stay’ (*machtiging tot voorlopig verblijf*) in the Netherlands. They are also obliged to take a Dutch language and culture test in their countries of origin. This has lowered the number of residence permits granted through marriage, as these requirements, are impossible to achieve for many undocumented immigrants. The sole exception that has been made to the virtually impossible task of regularisation for undocumented people residing in the Netherlands is the *generaal pardon* [general pardon] that took place in 2007 and granted residence permits to 27,500 rejected asylum seekers. But as Van der Leun and Ilies note, ‘given the unique context of this regularisation programme, it is understood that it is not to be considered as precedence’ (Van der Leun and Ilies, 2008, 35).

Gendered aspects of undocumented migration

The discourse on migrant illegality commonly pertains to male immigrants and there seem to be many more men than women residing as undocumented immigrants in the Netherlands. (Van der Leun and Ilies, 2008). These estimates can, however, be distorted due to the way data is collected as they are primarily based on police apprehension numbers for undocumented immigrants of non-European origin. Another factor that might distort these

estimates is the economic sectors undocumented immigrants find work in, with women generally ending up working as cleaners in private homes, whereas men find employment in construction, greenhouses and other employment that is located in public areas. This makes the economic sector men find employment in more accessible to government control than the sector women work in (Van der Leun and Ilies, 2008). This estimate that most of the undocumented immigrants are young men further contributes to *the migrant prototype of the young man*. This emphasis on the male as the prototype of undocumented migration as well as the prominent object of research is also notable in the study conducted on rejected asylum seekers in the Utrecht region in 2008 by Kox, in which she interviewed 88 people, all of them male. This, according to her, was due to the low numbers of female rejected asylums seekers residing in the Utrecht region at that time. This made finding female research participants difficult thereby rendering the results concerning female rejected asylum seekers ungeneralisable (Kox, 2011).

When women enter the discourse on migrant illegality it is, as Schrover points out, usually as victims of trafficking. It is as trafficked women that undocumented women migrants gain high visibility in the public discourse as well as in academia. Most importantly, the trafficking of women is also often used as a synonym for prostitution. The main difference between undocumented men and women migrants is that men are often spoken of as being *smuggled* whereas women are *trafficked*. The emphasis on trafficking when it comes to women is due to the assumption that they are transferred against their will, while the definition of smuggling refers to an illegal entry to which the migrant agrees and for which he usually pays. And as Schrover et al. state, 'in the distinction between trafficking and smuggling, men are depicted as in control while women are portrayed as dependent and docile victims' (Schrover et al. 2008, 10). This discourse of victimhood, according to Schrover et al, often lacks substantial grounds and bases itself more on moral panic and slippery statistics.

Underlying these assumptions is the logic that the help provided to the ‘innocent victims’ can justify the punishment meted to the ‘guilty’, the ‘illegal migrant’. This stands as a sign of the European governments’ feelings of losing control of borders and issues of migration (Schrover et al. 2008). The discourse of sex-trafficking, regardless of the fact that sex-trafficking is a topic that concerns a considerable number of women and therefore should be given due attention, can also, as Schrover et al state, enable governments to represent migration as a problematic issue as well as justifying anti-immigration policies (Schrover et al. 2008). As will be shown in this study, the discourse of women as victims reaches beyond the discourse of sex-trafficking and prostitution in the discourse on migrant illegality and can also benefit women as in some instances they are considered to be in a particularly vulnerable position and as such deserving protection that is not granted to all undocumented migrants. Nevertheless, what will also be shown in this study is that this discourse of women as victims can hamper their possibilities to be the active agents in their own lives.

Undocumented migrants as Others

As pointed out by Schrover et al, the construction of migrant *illegality* has historically been more strongly connected to work, potential poverty and potential public disorder than to questions of borders and state sovereignty (Schrover et al. 2008). This indicates that the concept of migrant illegality was not merely a consequence of stricter immigration regulations but also connects to the opportunities and willingness to enforce these laws. Even though aliens had already been deported from the Netherlands in the past, the demarcation of a certain group as *illegal migrants* reveals that migrant illegality is not a fixed category, but rather a fluid construction that connects to shifting processes of differentiation and exclusion (Van Eijl, 2008). As Schrover et al state, the responses to undocumented migration by receiving states are mainly influenced by the nature of the poverty relief or welfare system of

the state in question, as states with elaborate poverty alleviation systems put more emphasis on controlling migration, often considering migrant women in particular as at risk of becoming public charges. This shows how racialised technologies of gender are as central to the development of an elitist imaginary of Europe as is the development of nation state and parliamentary forms of government (Schrover et al. 2008). And as further noted by Balibar, the responses to those denoted as undocumented migrants, whose presence is considered equivalent to organised delinquency, do not shift significantly between right and left-wing politics in contemporary Europe. As such, the changes in political representation have no substantial effect on the policy measures implemented (Balibar, 2004).

As shown above, the political and more general public discourses that prompt anti-immigration feelings amongst Dutch people are organised around *otherness*. In this discourse of otherness, asylum seekers and other undocumented migrants are lumped together with low-skilled labour migrants from the East as well as the South¹⁷. These categories of migrants are seen as likely to become a burden on the welfare state as well as being a threat to what are imagined to be Dutch standards and values. And, as Bauman suggests, the existential insecurity born out of the economic market that is out of the hands of state administration to a large extent, is replaced with *alternative insecurity* that is centred on fears that are fed artificially. The gravity of these sources of alternative insecurity, such as migration and global terrorism, are blown out of proportion so that the non-materialisation of the advertised fears can be trumpeted as a major victory for governments (Bauman, 2011). The impact of these discourses centred around the notion of otherness have increasingly made undocumented immigrants invisible as rights-holding subjects whilst they have been increasingly construed

¹⁷ A poignant example of the othering of East-European immigrants has been an initiative by the PVV, *Meldpunt Midden en Oost-Europeanen* (Hotline for Middel- and East-Europeans) that is a platform in which Dutch people can declare the perceived problems that these groups of immigrants create in the Netherlands. The aim of this initiative is to restrict work-based migration from these regions, as the PVV claims that this 'mass work-based immigration' leads to significant social problems and deprives Dutch people of job opportunities. Source: <http://www.meldpuntmiddenoosteuropaanen.nl/>, last visited 4.7.2012

in the Dutch public and political discourse as cultural as well as ethnic Others. As such, the discourse on migrant illegality demarcates a group, as Bauman phrases it, as ‘illegal immigrants’ that are as a result denied human subjectivity and recast as objects, ‘located irrevocably at the receiving end of action’ (Bauman, 2011, 58).

The discourse on migrant illegality comes to have direct material effect, as shown in the next section of this chapter, for the people assigned to this category of migrant exclusion. Dutch welfare policies, as noted by Balibar, i.e. projects of ‘universal social protection’ can also function as a dividing line between nationals and non-nationals, as these processes of assimilation are converted into criteria of exclusion. In this manner, ‘the national citizens are insured [sic] about their rights through seeing the precarious and inferior right of the foreigners’ (Balibar, 2004, 37).

2.2 The discourse of compassion as a response to *othering*

The Economic, Social and Cultural (ESC) rights include human rights which relate to the workplace, social security and access to housing, food, water, healthcare and education. The Universal Declaration of Human Rights (1948) includes both the ESC rights as well as civil and political rights. Although this declaration does not make a distinction between the ESC rights and the civil and political rights, conventionally the latter have been regarded as fundamental whereas the former are viewed as aspirations or ideals; more as needs than as rights (Touzenis, 2012). One of the most common myths, according to Van Parys and Verbruggen, propagated about the right to housing and other economic, social and cultural rights is that courts cannot protect these rights and therefore they should not be regarded as rights that should be indiscriminately granted to anyone who happens to reside in a given country. In this line of reasoning, economic, social and cultural rights are considered positive

rights, meaning that the state has to actively endorse these rights and make an effort to fund them, whereas civil and political rights are regarded as negative rights that can be protected by courts. In this understanding, economic, social and cultural rights can only be implemented on the basis of policy, but not on the basis of law and justice (Van Parys and Verbruggen, 2004). This is exemplified by Dutch policies that restrict undocumented migrants' access to work, education, housing, medical care and other welfare provisions. The failure to protect the ESC rights of this group can, nevertheless, lead to severe violations of other human rights (Touzenis, 2012). I argue that the connection between non-belonging to a national community and access to basic welfare provisions in the case of rejected asylum seekers and other undocumented migrants exemplifies the current situation in Europe in which the social (one's access to opportunities for survival) is necessarily connected to one's political rights. Touzenis takes the right to housing as an example of the intertwining of basic human rights and social and economic rights as she states:

[...]homelessness...being a violation of the right to housing, can also have a devastating effect on the right of the individual migrant to protection from arbitrary arrest and detention, on the right to health, and on the right to freedom from torture and arbitrary expulsion.
(Touzenis, 2012, 1)

The Linking Act

Many governmental policies have been implemented in the Netherlands since the beginning of 1990s in order to restrict undocumented immigrants' access to welfare state provisions. The centrepiece of this internal migration control is the Linking Act (*Koppelingswet*) that came into force in 1998. As stated by Van der Leun, this act establishes a link between the lawfulness of someone's residence in the Netherlands and the extent to which the immigrant

can claim welfare provisions. This piece of legislation has substantially shifted the locus of immigration policies from the traditional gatekeepers, such as the IND and the Aliens Police, to organisations whose primary mandate is to provide social services. In addition to this, the files held by the Aliens Police have been linked to the Municipal Population Registers. These developments further increased cooperation between organisations that before the introduction of the Linking Act functioned relatively autonomously (Van der Leun, 2003).

The main motivator behind the Linking Act, as Van der Leun points out, was the increased concerns about the use, often regarded as abuse, of public services by rejected asylum seekers and other undocumented migrants. Legislation, akin to the Linking Act implemented in the Netherlands, can be found in several countries with comprehensive welfare systems, as curtailing undocumented migrants' access to public services has become an important aspect of the anti-immigration policies of many European countries. As noted in the previous section, these restrictions on undocumented migrants' access to welfare provisions are based on the assumption that the welfare system itself might serve as a magnet for prospective immigrants and could hamper their willingness to return to their countries of origin (Van der Leun, 2003). As a consequence of the implementation of the Linking Act, immigrants' access to secondary or higher education, housing, rent subsidy, facilities for the disabled, healthcare and all social security benefits have become dependent on their residence status. This has led to a situation in which only publicly funded legal assistance, urgent medical care and education for children up to the age of 18 remain accessible to all immigrants, including the undocumented. As noted in a report by PICUM, the need for these strict measures remains dubious, since even before the introduction of the Linking Act and its elaborate forms of control, only a tiny number of welfare provisions were unjustifiably granted to illegal residents (PICUM, 2002). And as Kox notes, a more probable reason for restricting undocumented migrants' access to state welfare provisions is the state's desire to

coerce rejected asylum seekers and other undocumented migrants to voluntarily leave the country by making their survival increasingly difficult (Kox, 2011). As Van der Leun notes, the fact that the Linking Act establishes a link between distinct state organisations has, in many cases, led to a situation in which undocumented migrants do not seek assistance from state officials, even if they are eligible for this (such as urgent healthcare), because they fear they will be reported to the police. The contradicting interpretations of the Linking Act and its scope and implementation have also stigmatised all undocumented migrants as ‘illegals’, promoting the idea that helping them is prohibited (Van der Leun, 2003). The consequences of the stigmatising effect of the discourse on migrant illegality in the context of welfare provisions are encountered again and again by rejected asylum seekers as will be noted in the next chapter where the effects of these exclusionary policies are examined through the experiences of the research participants.

Another relevant development that has affected the ability of rejected asylum seekers and other undocumented immigrants to survive in the Netherlands and which is also a result of the Linking Act has been the curtailing of their access to work. As Van der Leun and Ilies note, before the introduction of the abovementioned law, it was possible for undocumented immigrants to obtain a social security number that enabled them to enter into formal work. In addition to excluding undocumented immigrants from formal work, the Dutch government has also introduced tougher sanctions for employers who employ undocumented migrants (Van der Leun and Ilies, 2008).

The discourse of compassion

Government policies on irregular immigration are, as Van der Leun points out, to a large extent ambiguous. There remains a discrepancy between the rational processes whereby

policymakers create the legislation in which the discourse on migrant illegality guides the policies chosen, and the assumption that the people working in care and education as well as other state institutions that deal with undocumented immigrants will simply implement this legislation in practice. The people who work in education, healthcare, housing or social benefits organisations have a professional ideology that is not oriented towards, and often might conflict with, the control function endorsed within the framework of the current exclusionary migration policy (Van der Leun, 2003).

A recent development that exemplifies the tensions between the policies endorsed by the national government and the local support provided to undocumented migrants is the fact that numerous local governments have refused to cooperate with the forced apprehension and deportation of rejected asylum seekers in their municipalities when they are ordered to do so by the Ministry of the Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties; BZK*)¹⁸. Here a discourse of *compassion* on the part of the local governments towards rejected asylum seekers come into play whereas the national government engages in a discourse as well as a policy of *repression* with regard to *migrant illegality*.

On many occasions municipalities' representatives openly back local non-governmental organisations that aim to support rejected asylum seekers and other undocumented immigrants, and provide welfare provisions that have – to a large extent – become inaccessible to them. This is also the case at STIL as it is backed by the municipality of Utrecht. In a sense these local as well as nation-wide initiatives comprise an alternative safety net for undocumented migrants. The funds used to run these services are mostly private or semi-private though they are generally at least partly subsidised by local authorities. These

¹⁸ News articles about this matter (for example: <http://www.elsevier.nl/web/Nieuws/Politiek/334963/Minister-Leers-wijst-opstandige-burgemeesters-terecht.htm>, last visited 29.4.2012) have given rise to widespread public debate as it exemplifies the ongoing tension between the local governments and the national government.

initiatives find support from local governments regardless of the fact that the national government emphasises that undocumented migrants should be left to fend for themselves. This, following Van der Leun, is a strong illustration of the fact that societal responses to the presence of undocumented migrants remain highly ambivalent (Van der Leun, 2003). The main areas in which non-governmental organisations provide support to rejected asylum seekers and other undocumented migrants are healthcare, education, housing, employment, legal advice and emotional support. Many of these organisations also engage in working on policy issues and disseminating information to other organisations and professionals working in the field of migrant rights (PICUM, 2002).

As aid organisations take on the tasks that governmental organisations used to be responsible for, this shift from government institutions providing support to undocumented immigrants to non-governmental aid organisations has also come under criticism from the side of these organisations themselves. This criticism, as noted by Krebbers, targets the paradox that the government often finds it desirable for undocumented immigrants to be supported by non-governmental aid organisations so as to lessen the misery and poverty visible to the population. Strong manifestations of human suffering as a result of the government's exclusionary policies would make the latter less popular among the population. Nevertheless, these non-governmental aid organisations are frequently incapable of providing the necessary support to undocumented migrants due to their lack of resources and the fact that current government policy is driving increasing numbers of undocumented migrants into their arms. Some of the organisations currently providing assistance to undocumented migrants feel that the problems for which people seek help cannot be solved under current conditions. As such, there is a pressing need to change social attitudes towards undocumented immigrants as the financial as well as legal means of providing assistance to undocumented

migrants is becoming increasingly limited (Krebbbers, 2002). This pressing need is often also felt at STIL.

The practices and discourses of compassion that work to ameliorate the effects that the governmental policies of exclusion have on rejected asylum seekers and other undocumented migrants have the notion of *sameness* and *inclusion* as their nodal point, an insistence on considering the people in these situations as other humans and the resulting commitment to ensuring equal rights for people, regardless of whether they are European Union citizens or not, as opposed to the discourse on migrant illegality that revolves around the notion of *otherness* and *exclusion*. As such, as Fassin notes, the moral economy of contemporary policies of immigration is created around tensions between the discourses and practices of compassion and repression (Fassin, 2005). Nevertheless, the discourse of compassion often serves to enforce the idea of rejected asylum seekers and other undocumented immigrants as victims, as will be argued in the section ‘Body as a location of politics’ in the third chapter of this study. As I will further argue in the aforementioned section, the compassion evoked in the societal responses is mainly focused on the suffering body of those interpellated as ‘illegal migrants’ rather than acknowledging their position as active agents in charge of their existence.

2.3 Discourse materialised: the specific situation of homelessness

As Parys and Verbruggen note, after the introduction of the 1998 Linking Act, Dutch government policy has been that people entering the first asylum procedure have a right to social accommodation, whilst people submitting a second procedure are effectively undocumented migrants and are therefore denied access to welfare provisions such as education and medical care as laid out in the preceding section. As such, they are ‘legally on

the street' with only the 'right to wait for a decision' (Van Parys and Verbruggen, 2004, 23, from an interview with Rianne Ederveen from Stichting LOS). One of the results of the Linking Act is that undocumented migrants have no right to housing and – to a large extent – this includes homeless shelters, since these facilities are local and a person has to be registered in a municipality in order to be accepted by a shelter (Touzenis, 2012).

Networks of compatriots and friends

As stated by Van Parys and Verbruggen, the situation of rejected asylum seekers and other undocumented migrants is generally characterised by residential mobility and homelessness is common. Networks of family and friends are important sources of housing as well as networks that consist of compatriots and/or people from the same religious or cultural background. These hosts or host families are often faced with psychosocial and financial problems when providing shelter and can, as a consequence, become vulnerable themselves, not knowing where to turn if this happens (Van Parys and Verbruggen, 2004). As Kox also points out, their 'guest' often feels uncomfortable and conscious of being a burden and so often tries not to stay in one place too long. On average, her research participants that found accommodation in private homes had a total of approximately ten addresses during their undocumented stay in the Utrecht region (Kox, 2012). Some of the research participants of this study also stayed at the homes of Dutch people they did not know who would offer them ad hoc help. As I will argue in the section 'Homelessness', it is at these points in time when the research participants are provided shelter by compatriots, friends or strangers that the precariousness of the research participants' existence is recognised at an individual level and not only as a societal response at the level of municipalities and non-governmental aid organisations.

Shelters

In this study, acquiring shelter through family and friends is not the option the research participants use most. As Van Parys and Verbruggen state, community networks seem to be a solution for many rejected asylum seekers and other undocumented migrants, but are not an option for everyone. This depends on whether they already had family or friends in the country before they arrived or managed to establish contact after arrival, whether these acquaintances have sufficient space to host them and also depends on the number of immigrants of the same origin who are already established in the country (Van Parys and Verbruggen, 2004). Regardless of the fact that most undocumented immigrants do not end up in homeless shelters, residing in these facilities is fairly common with the research participants of this study.

As stated above, rejected asylum seekers and other undocumented migrants in general are not entitled to shelter since they are not registered in the municipality. However, as noted by Van Parys and Verbruggen, a temporary stay in long term shelters is occasionally granted to people who are considered to be in a particularly vulnerable situation. These are people with severe medical conditions, victims of trafficking, women who divorce a Dutch national before three years of marriage, pregnant women and people who have proven to have great difficulty returning to their country of origin (Van Parys and Verbruggen, 2004).

In Utrecht, for example, there are some long-term shelters that focus on rejected asylum seekers and other undocumented migrants, but these facilities also have restrictions as to who they admit and are often full. This means they are not an option for everyone¹⁹. As

¹⁹ In Utrecht there is an organisation, *Stichting Noodopvang Dakloze Vreemdelingen Utrecht*, which arranges long term shelter to rejected asylum seekers. Their requirements include that the people residing in their facilities have a strong chance of getting a residence permit in the Netherlands as well as people that are actively cooperating in their return to their countries of origin. These requirements make many rejected asylum seekers ineligible for this accommodation as, as discussed in this chapter, many do not want to cooperate with their return and they have also exhausted all their legal means to seek asylum in the Netherlands. Another organisation that provides shelter to undocumented women and children in Utrecht is *Fanga Musow*. This is a

noted by Van Parys and Verbruggen, women are often given precedence at homeless and long-term shelters. This is because they are often considered to be in a more vulnerable situation from the start of their residence in the Netherlands than men. As such, the notion of women as ‘passive’ victims, even though limiting the extent to which they can remain the active agents of their own lives, can also prove to offer an opportunity for survival. This will be discussed in more detail in the following chapter. Nevertheless this opportunity for survival is severely limited as, for example, pregnant women are, as noted by Van Parys and Verbruggen, only eligible for shelter until the sixth week after giving birth. Within this period they are required to arrange their return to their country of origin or find some other solution (Van Parys and Verbruggen, 2004).

Van Parys and Verbruggen describe how the mix of Dutch homeless people and migrants often presents difficulties, with the Dutch nationals exhibiting racist attitudes towards the migrants. Many organisations that focus on Dutch homeless people not only provide shelter, but also attempt to reintegrate Dutch homeless people back into society by providing them with their own accommodation and jobs. This exemplifies the distinction made between *homeless people* and *houseless people*. The latter group, to which the research participants often belong, mainly need a roof over their heads, whereas the former need intense professional assistance in order to re-integrate into society. As rejected asylum seekers’ as well as other undocumented migrants’ integration options are limited due to their lack of legal status, these organisations do not regard them as their target group and shelter workers often lack the capacity to properly assist them (Van Parys and Verbruggen, 2004). Another option for finding temporary shelter that rejected asylum seekers use, an option which is scarcely available to other undocumented immigrants, is to hide at an AZC in a friend’s room, but this is usually a very temporary solution (Kox, 2011).

safe house where women and children that are in a highly vulnerable situation can stay for a period of six months.

Braving the streets

As noted in Kox's study and by this study's participants, braving the streets is a common experience amongst rejected asylum seekers. Kox points out that the main reasons for living in the streets are that people lack the money required to sleep at a shelter or elsewhere, do not have any friends in the area or are not familiar with the homeless shelters and other organisations that could provide assistance to them in this respect (Kox, 2011). In addition to the reasons Kox mentions, the situation of the research participants of this study is marked by the fact that they are often not eligible for short nor long-term shelter in the municipality of Utrecht nor any other municipalities since they are not registered as residents anywhere in the country. When facing the streets, the people interviewed by Kox would often stay at railway stations, in parks or in bus shelters. Often people walk around all night because they feel unsafe sleeping out in the open (Kox, 2011) and as I am often told, people are afraid of being questioned by the police were they to fall asleep outdoors.

As this chapter has demonstrated, the discourse on migrant illegality is organised around *otherness*. The focus of this discourse is to justify contemporary oppressive migration policies by depicting undocumented migration as an economic as well as cultural threat to the Netherlands as well as Europe as a whole. Within this discourse, rejected asylum seekers and other undocumented migrants are not really viewed as rights-holding subjects and are simultaneously made visible foremostly as cultural and ethnic Others, as subjects of exclusionary policies. At the moment, the discourse on migrant illegality is the dominant discourse for issues concerning rejected asylum seekers in the Netherlands so the 'truth' effect of this discourse predominates over other discourses that assign meaning to the experiences of rejected asylum seekers. Historically, the creation of migrant illegality denoted a group of migrants as illegal aliens that the growing restrictions of Dutch government policies aim to

exclude from nearly all welfare provisions. This severely limits rejected asylum seekers' options for survival in the Netherlands. The results of these changes in public discourse as well as legislation often have the unstated goal of making residing in this country unbearable for rejected asylum seekers and undocumented migrants, in the hope that they will then leave voluntarily.

These exclusionary policies often infringe on rejected asylum seekers and other undocumented migrants' basic human rights and there is a tension between the government discourse on migrant illegality and the exclusionary policies that accompany it, and the discourse at the level of municipalities, non-governmental aid organisations and often individual people. The discourse of repression propagated by the government stands in stark contrast to the compassion felt in society for the migrants facing these exclusionary policies. As such, it is clear that the discourse on migrant illegality is not only contested by the studied group, rejected asylum seekers, themselves, as will be examined in the next chapter, but the humanitarian consequences of these policies motivate municipalities as well as non-governmental aid organisations and individuals to challenge this discourse and engage in a discourse of compassion which results in them providing rejected asylum seekers and other undocumented migrants with assistance that - according to government policy - should not be provided to them. In the field of discursivity, there are therefore multiple discourses that assign meaning to 'migrant illegality. Nevertheless, the material effects of the discourse on migrant illegality are tangible to the researched group as their options for survival are effectively limited by it.

3. Looking at experience: the discourse of rejected asylum seekers

This chapter will concentrate on the ways the research participants assign meaning to their lives and experiences in the Netherlands. I will examine these experiences in four steps represented by headings of this chapter: *The Camp and the Polis*, *Homelessness*, *Body as a Location of Politics* and *The Right to Have Rights*. These headings are recurrent themes that re-occur in the interviews conducted as well as in casual conversations with the research participants as well as other rejected asylum seekers and the political work of *Vluchtelingen op straat*. I will not analyse the interviews one by one, but I will investigate how the people interviewed related to these four topics and how they assigned meaning to them. The first part of this chapter will describe the research participants' stay in the asylum seekers' centres as well as their expulsion from these centres. The second will concentrate on their experiences of homelessness. The third part will focus on how the restrictions facing undocumented migrants mark their physical space and how their experiences of exclusion can be regarded as the body becoming the location of politics. And the final part of this chapter will analyse the tensions between the right to have rights and citizenship, and how the research participants struggle to survive and gain recognition as human beings with equal rights in this situation.

As poststructuralist theories as well as poststructuralist feminist theories are used in this analysis, a certain epistemological base is formed in which the notions of power, subject and truth are given specific meanings. Poststructuralist theory relies on an understanding that there is no one truth nor a grand narrative that can exhaustively explain a set of circumstances, but as Haraway puts it, all knowledge is situated and partial (Haraway, 1988). Thus, this study does not aim to give an all-encompassing explanation of the situation of rejected asylum seekers in the Netherlands, but rather aims to provide a grounded understanding of how the discourse on migrant illegality becomes tangible in their daily lives, *from their point of view*. In this chapter I strive to create an understanding of how the

discourse on migrant illegality and the discourse of compassion as its societal response as well as the discourse of deserving refugees that the research participants produce, work as apparatuses of inclusion and exclusion. These discourses mark their experiences and also ascribe the limits of how the research participants can describe their situation, assign meaning to it and how they are often forced into the discourse on migrant illegality by its material forces.

3.1 The Camp and the Polis: *They said: “Weg, ga weg”*

My connection to the life in the AZCs springs from the numerous occasions that a person appeared at STIL’s door. One Friday, as I was volunteering at the weekly teahouse, a man and a woman appeared at the office door. Suddenly it became very quiet, the cheerful chatting amongst the teahouse guests stopped. The man asked if he had come to the right place, since they had been sent away from an AZC and had subsequently been living in the streets for the last few days. The sensation I had was that people around me knew that two more people had been ‘added’ to the situation many of them were facing. People silently smiled at the newcomers and there was a sense of mutual compassion and understanding in the room...

In this part, I will examine the research participants’ experiences of living in an AZC and how the threat of expulsion from the country as well as the fact that they are no longer eligible for shelter at the AZCs after their first asylum claim has been rejected contributes to the situation in which the research participants oscillate between the *camp*, formed by the archipelago of AZCs and detention centres in the Netherlands, and the *polis*, the cities of the Netherlands. Once their asylum claim is rejected, the expulsion from the AZCs comes as a shock to many asylum seekers and dramatically changes the imagined trajectory of their lives. Using the distinction between the *camp* and the *polis* I argue that

rejected asylum seekers' inability to enter the life of the *polis* is due to the fact that the state of exception of the *camp* is extended to their life in the *polis*, as they experience an almost complete exclusion from what many of the research participants describe as *normal life*. The state of exception experienced in the *polis* exemplifies how, in contemporary Europe, the political, one's entitlement to citizen's rights, is intertwined with the social, as one's lack of citizens' rights translates into an exclusion from normal life and severely limits the research participants' material options for survival. The moment the research participants leave the AZCs is marked by a heightened sense of precariousness, as – for many of them – this is their first contact with Dutch society outside the AZCs, a moment as Butler notes, when they become the interiorised outside of the *polis* (Butler, 2007).

Asylum seekers' centres as total institutions

As noted above, for the researched group, AZCs are the first point of contact with the Netherlands and often with Europe as a whole. Upon arrival in the country, asylum seekers are generally directed to the Ter Apel²⁰ centre, where the initial interviews are held. Occasionally people are provided with a negative or a positive answer to their asylum claim on the spot, but they are also often directed to other AZCs to await the decision. On average, the time spent in AZCs has decreased in recent years. In the past, it was common to spend several years at these centres. However, the current Dutch government aims to provide asylum claimants with a decision swiftly. This, according to the government, is done to make applying for asylum in the Netherlands less appealing²¹. This tendency of shortening the time

²⁰ Ter Apel is the 'Centrale ontvangslocatie'. Arriving Asylum seekers are in most cases first directed to the Ter Apel reception centre in order to interview them. Source:

<http://www.coa.nl/NED/website/opvanglocaties.asp?menuid=13>, last visited 8.4.2012

²¹ The latest guidelines from Minister Leers and his Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties; BZK*) are that the process of seeking asylum must be speeded up. This, for Leers, means that the Netherlands 'will send a powerful signal that there is no point in applying for residence in the Netherlands unless it is for the purposes of protection and make procedures quick and efficient'.

spent 'within the system' is also reflected in the research participants' experiences, as those that arrived in the Netherlands several years ago have spent up to four years in the AZCs, whereas the people that arrived last year were issued with a negative decision concerning their asylum claim within a few months.

Total institutions can, according to Goffman, be characterised by a breakdown of the basic social arrangement in modern society where the individual tends to sleep, play and work in different places. In addition to this breakdown of the three spheres of life, at total institutions all aspects of life are centred in the same place and under a single authority (Goffman, 1961). I follow Van den Horst in arguing that AZCs are a good example of total institutions, as at them a large number of human needs are concentrated under a single bureaucratic roof as these institutions have their own regime of services separate from the rest of society. As such, they form a separate reality with limited engagement with the outside world (Van der Horst, 2004). The residents of these centres, as noted by Van der Horst, are not encouraged to become attached to the centres' surroundings and the centres are often located in remote areas. The people residing in these centres are also not registered in the local municipalities as new residents. These factors together symbolise the temporary nature of the residence (Van der Horst, 2004).

Jasmijn, a young woman who participated in the first group interview, explained that people living in the AZCs don't generally go anywhere outside the centre, but simply stay

The government expects these measures to reduce the number of people making asylum applications and to encourage people to return to their country of origin. Further goals are that the follow up applications once the first has been rejected should be assessed within a day to determine if there are any new facts or circumstances that have emerged. One of the new plans is also that rejected asylum seekers will be transferred to DT&V (*Dienst Terugkeer en Vertrek*) immediately after their applications have been rejected. As stated 'the idea is that rejected asylum seekers focus more on their return to their country of origin'. Also the rates of legal aid for submitting follow up applications will be reduced as the government believes that the current system encourages applicants to initiate repeat procedures. All these measures are aimed at speeding up the asylum process. Source: www.government.nl/documents-and-publications/press-releases/2011/02/22/government-aims-for-clear-and-speedy-asylum-procedures.html, last visited 9.5.2012

inside. Emma, another women that participated in the same interview, added that since people are transferred from one centre to another, this creates a sense of displacement for them as you are never quite sure how long you will stay in one place or whether you will be transferred to another centre the next day. Jasmijn was staying in a VBL (*Vrijheidsbeperkende locatie*) at the time of the interview. As she describes it, these centres differ from other AZCs because at them people's asylum procedures continue as she puts it: "They wait their status, they wait another thing, but here everything is closed". I argue that in her description of a VBL Jasmijn uses the word closed in a double sense as describing the term *closed procedure* as well as a closing the horizon of possibilities. She herself does not know the meaning of VBL, what it stands for and how exactly it differs from other AZCs, but she experiences the centre as akin to a prison, you are free to walk around, but you are not actually free²². Jasmijn told me that the DT&V are threatening to send her back to her country of origin by force if she does not leave voluntarily. She describes a great sense of uncertainty as she does not know what the end result will be for her, she is merely waiting. What adds to her anxiety is that were she to be sent back to her country of origin, she fears that she would be suspected of being a spy, as it seems unimaginable that someone would return from Europe after several years. Jasmijn is therefore afraid that she might be killed were she to be sent back involuntarily. She explains:

I don't know what will happen. They tell all the people, including me, that if I don't go back to my country, I will be sent there by force or be sent to detention. Maybe detention or *op straat* (in the streets). No one cannot know anything. They [the immigration office] are always threatening that if you don't go back to your country, they threaten with that [detention or involuntary return]. (Jasmijn)

Joop, a young man who arrived in the Netherlands in 2008, told me that the Netherlands was the first place in Europe he had ever been and that he did not even know

²² Once residing in a VBL, the person is allowed to leave the centre but is not allowed to move beyond the municipality the centre is located in. Source: <http://www.dienstterugkeerenvertrek.nl/werkwijze/VBLofGL/#paragraaf3> last visited 8.4.2012

precisely what it meant to be an asylum seeker. Being allowed to seek asylum proved easy, they directed him to Ter Apel where he could file his case. After his initial interview he was moved to another AZC where he spent the following two years. While Joop was staying in the AZCs, he worked in close cooperation with people from COA (*Centraal Orgaan Opvang Asielzoekers*) and during that time he could have never imagined that he would be sent away from the AZC to face life on the streets. Joop had the following to say about his experiences in the AZCs:

I was really involved with them and I was just talking with them. But they never told me and I never realised that perhaps I would be kicked out into the streets. It really was a surprise ... Where should I go? The streets. Are there possibilities that I can make a life for myself in the streets? (Joop)

These reports of the experiences in the AZCs highlight that these centres are organised as total institutions where the way in which daily life is managed creates a situation in which the people in the system feel alienated from society yet cannot become attached to the place they reside either, as Van der Horst states, the imaginary geography of home as connected to citizenship organises the asylum seekers' centres as transit stations marked by uncertainty (Van der Horst, 2004). This uncertainty is exacerbated by the possible threats to one's life the involuntary return to the country of origin would represent. I follow Van der Horst in arguing that the material organisation of AZCs and the residents' exclusion from the surrounding society intersect with the discourse on migrant illegality that distinguishes between legal residents with rights in the welfare system and illegal residents without these rights. As Van der Horst states, instead of the centres aiming to provide a *home* for their residents, there is a sense of temporality, insecurity and authority that is imposed upon reality. As such, the centre forms a physical as well as a legal barrier between its inhabitants and the outside world (Van der Horst, 2004).

Entering the Polis

Arrival in the Netherlands is, as described by the research participants, full of hope. There is an understanding that once they have made it here, they will be safe. The time in the AZCs is mainly spent waiting for the decision and marked by interviews with the IND. Fassin calls the way the IND, police officers as well as other bureaucrats deal with asylum seekers as *systematic suspicion*. As she states:

All candidates for refugee status are now considered, until there is evidence to the contrary, to be undocumented immigrants seeking to take advantage of the generosity of the European nations. (Fassin, 2005, 369)

On receiving a negative decision from the IND, all those interviewed describe being astonished and not understanding why they were not granted asylum as they perceive themselves as refugees who deserve protection. Joop explained that when he received his negative decision, he did not know what to do. As he describes it: “What was I supposed to do now; I have to leave or what? Where should I go?” In total, Joop has requested asylum four times and as he describes it after receiving a negative decision every time: “Really, it was a terrible situation to hear all these negatives”. What is most striking for Joop is that the decisions on the appeals were given so fast that he doubts if the people processing the appeals really took a good look at them. When Joop was no longer eligible for shelter with COA he was asked to leave the AZC where he was living. Joop contacted the VVN (*Vereniging Vluchtelingenwerk Nederland*) but they were not willing to provide assistance to him as his asylum claim had been rejected. He described his feelings at that moment as follows: “You came here alone and now you are alone.”

During his second interview with the IND, Joop asked the woman interviewing him, as he was uncertain about the outcome of the interview, what she would do in his position. The response he says she gave was that she could not imagine ever to being in the same situation and therefore could not give him any advice: “She said it was not her problem”. As

Joop described it, the IND interviewer had a strict notion of asylum seekers inhabiting a position in Dutch society she will never occupy. Therefore the question: ‘What would you do if you were in my position?’ seems entirely alien to her. As the discourse on migrant illegality constructs rejected asylum seekers around the notion of *otherness*, Joop’s attempt to evoke a sense of *sameness* with the IND officer proved unsuccessful.

As Eve, a woman in her sixties, describes it:

Nederland rejected my *asielzoekers* (asylum claim), I don’t know why because I have my daughter in here. ..They gave my daughter status – but they said you *weg* (go away), and that’s why I experience a lot of problems now. (Eve interpreted by Jasmijn)

This same woman, Eve, had no previous contact with people outside the AZCs. When asked about the moment she had to leave the AZC, she could not continue the interview, saying that remembering those times makes her cry. The women spoken to during the first group interview had spent several years in AZCs and the second group interviewees consisted of women who had arrived in the Netherlands in 2011 and had all been given a negative decision some months after their arrival. Rose, a woman in her thirties that participated in the second group interview, spent around two months at an AZC before receiving a negative decision. She describes a great sense of disenchantment as she had come to the Netherlands to seek refuge from her problems in her country of origin. Accepting her as an asylum seeker had created what now seemed to her a false sense of hope since in the end the IND rejected her claim and forced her to leave the AZC. As she describes it:

I was told to collaborate; to accept that you have to leave, that they will find a passport for you. I had problems at home and that’s why I arrived here. You [referring to the IND] took everything, my fingerprints. You acted as if you will protect me. And now, after two months, you tell me to leave or you will arrest me and put me in jail. (Rose, through an interpreter)

What is referred to as a more effective migration policy by the Dutch government and what also guides the dominant discourse on migration is felt as an abrupt change of direction in the lives of the research participants, as their orientation in life is changed from having arrived in a place that will provide protection and a chance to build a life to a sudden rejection and continuous threats of deportation as well as exclusion from shelter and other welfare provisions. As Rose states, when she realised she might face involuntary return to her country of origin if the police found her she resorted to hiding in other people's rooms at the AZC. After some days in hiding she escaped from the centre during the night.

Nevertheless, it is not only the AZCs that constitute the experience of oscillating between the *camp* and the *polis* for the group studied, but also the numerous detention centres for foreigners across the Netherlands and through which most of the research participants have passed. As Lisa, a middle-aged woman who participated in the second group interview, explained, upon receiving a negative decision concerning her asylum case, she was picked up by the police from the AZC she lived in and was put in a detention centre where she spent the following nine months.

As Agamben defines it, the presence of a camp is created every time such a structure is put in place. In the camp, a space is opened where the state of exception becomes the rule which nevertheless remains outside the normal order (Agamben, 1998). The importance of Agamben's conceptualisation of the camp as a state of exception is to notice how the state of exception that is present in the AZCs as well as detention centres, through a metamorphosis into a public discourse on migrant illegality *extends outside the camp*. The AZCs and detention centres remain outside the normal order of the *polis*. Nevertheless, as I argue, the state of exception that is created at the camp is not confined to the physical space of these institutions, but extends to the *polis*, as the research participants are excluded from

citizens' rights and welfare provision as a material effect of the discourse on migrant illegality in which they are positioned. This state of exception exemplifies how in Europe today the social and political have collapsed into each other as one's options for survival are substantially limited by one's exclusion from citizenship, which is nevertheless mainly seen as a question of political rights in the dominant discourse on migration. In this instance, the presence of a total institution that is experienced as being oppressive, but nevertheless sustaining the basic needs of asylum seekers is replaced by braving the streets of the Netherlands. In the rejected asylum seekers' situation, the state of exception is also a concept that encompasses the experience of everyday life as they feel distanced from *normal life*. As rejected asylum seekers are by definition non-citizens, they exist in the *polis* as its *interiorised outside*.

However, I follow Fassin in arguing that it is not as *bare life*²³ that the studied group ends up in Dutch society, but rather as life immersed in politics; their bodies becoming the location of politics, not excluded from it. As Agamben builds his notion around *the camp*²⁴ as a place where people are stripped of their existence to the extent that it is only the biological life (*zoë*) that remains, this is however not the case with rejected asylum seekers. Their bodies are rather juridico-political entities that are controlled and delimited by the state, but nevertheless also resist their forced exclusion from the *polis*. As the research participants effectively describe a situation of statelessness, I follow Butler in arguing that those who are

²³ Bare life is, to Agamben, subjection that has the power to reduce human body's capacity to sub-human, marginal and even non-human state by the intervention of sovereign power. It is the body as disposable matter in the hands of the despotic force of destructive power (Braidotti, 2007, 21).

²⁴ Agamben takes his example of a camp primarily from the Nazi concentration camps during the Second World War. For him, in the camp, the state of exception is given a permanent spatial arrangement which as such nevertheless remains outside the normal order. The camp delimits a space where what happens within its parameters is not dependent on law, but on the civility and ethics of the individuals that *de facto* act as sovereigns within its spatial arrangements (Agamben, 1998, 99). As I will argue further on in this study, the discourse of compassion that counters the discourse on migrant illegality functions at the level of civility and ethics rather than law, demonstrating how the state of exception, the relegation of the rule of law, is - in the case of rejected asylum seekers - not limited to the spatial arrangement of a camp, but extends to the *polis*.

de facto stateless are still under the control of state power. In this way, they are without legal protection, but in no way relegated to a bare life and rather experience a life that is steeped in power. As Butler notes, regardless of how destitute one's situation becomes, precisely because there is a set of powers that produce this situation of destitution, dispossession and displacement no one is ever returned to bare life that would be void of political power (Butler, 2007).

As is apparent in the research participants' experiences of leaving the asylum seekers' centres, it is often whilst entering the *polis* that they feel that they are stripped of their rights and thrown into bare existence in its purest form, not necessarily in the camp itself. The most notable similarity between all the research participants' experiences is that none of them knew anybody outside the AZCs before they were made to leave. This is clearly apparent in how Sophie, a woman that participated in the first group interview, experienced having to leave the AZC whilst she was pregnant, she didn't know anybody *outside*. The archipelago of AZCs thus forms the *inside* to which she was accustomed, whereas Dutch society is imagined as the *outside* where she does not know anyone and does not know how to survive.

Chantal, a woman that participated in the second group interview, only spent a few months at an AZC. After this time she received a negative decision concerning her asylum case and was informed by the COA that she would need to leave the country. They told her to cooperate with her return or else they would call the police. She describes a great sense of astonishment as she feels that she is not a criminal and has not done anything wrong to anyone in the Netherlands. At the time she did not understand why they wanted to call the police, however COA staff explained that it was because she refused to leave the AZC. Chantal tells that she was informed to be ready on the same evening at 20:00 as they would take her on a plane and send her back to her country. She refused to cooperate with her return

and was transferred to another AZC. Chantal made consecutive efforts to inform herself as to why she needed to leave the Netherlands but, as she explains it, her lack of education and limited knowledge of the languages spoken by the COA officials made it very hard for her to understand what was happening and why these people wanted her to leave the country so abruptly. The reason she was provided with was that she did not have the adequate papers to prove that she had left her country of origin. This, for her, seemed like an impossible demand since she does not know what these papers should be and, more importantly, she does not know how to read or write.

In this case study, linguistic ability and educational background are axes of difference that are highly gendered as the women participating in the research generally have much lower levels of education than the men. As becomes apparent in Chantal's situation, access to information about one's own situation is clearly influenced by educational background and which languages someone speaks. As several of the interviews that I conducted with the women participating in this study were done with the assistance of interpreters, the problems I face in communicating with these women are also indexical of the extra strain they encounter, as many of them do not speak English or Dutch and are in some cases illiterate, and this restricts their competence to become informed about their own situation.

As Chantal said, she was threatened with the police repeatedly if she wouldn't cooperate with her return. Balibar argues that in contemporary Europe, the figure of the stranger is often reduced to that of enemy (Balibar, 2010), and as Chantal describes her own situation, she effectively contrasts the notion of herself as a threat to the Dutch society to that which she holds of herself in the position of a victim worthy of protection. As she stated:

I said "I don't know this centre, I know only [...] I don't know. I didn't go to school. My [...] is bad. You have to call people that understand my language so I

can explain well.” They called the interpreter and she told me: “If you don’t collaborate, we will call the police.” “Police again?” I said. “I didn’t kill, steal, anything. I came to explain the problems that made me leave my country. *I didn’t do anything wrong in your country.* You want to put me in jail, me, *a woman*, why?” I went to DT&V, I explained them this and they told me: “You don’t have the paper that proves that you left [...]. You don’t have the right paper.” I said “I cannot read anything. The person who took me here has everything with her, I know nothing.” They sent me a letter saying “If you don’t leave, the police will come for you. You have one week.” (Chantal, through an interpreter)

The two women with young children that participated in the first group interview had a very particular story to tell about their situation in the AZC system. When Sanne, a 24-year old woman, arrived in the Netherlands in 2009 she was single. During her stay at AZCs she met her current husband. She soon got pregnant and was sent away from the AZC for the duration of her pregnancy. Sanne is certain that the COA staff knew about her pregnancy, but sent her away in spite of this. Her husband was still at the AZC whilst she had to fend for herself in the outside world. Sanne filed another request for asylum after the baby was born, but again received a negative result. At this point in the interview, Jasmijn, who was interpreting for Sanne, provided an interpretation of how the situation developed:

Her husband is still in another AZC in [...] they [the COA] didn’t let them be together, they separated the family. They said “You stay here, she has to go. The *vrouw* (woman) with the baby *weg* [out]!” (Jasmijn)

Sanne is viewed as solely responsible for the pregnancy and as a result also responsible for the child. The Dutch officials do not recognise Sanne and her partner as a family unit and therefore relocated her to another AZC and are attempting to send her back to her country of origin with her child while her partner remains in the Netherlands. Sophie, a middle-aged woman that participated in the first group interview also had a young child and shared experiences similar to Sanne’s. Sophie had been in the Netherlands since 2007. She

lived at various AZCs for three years at the end of which she became pregnant. As she describes it, she felt a lot of stress and problems in her life and that is what led her to ‘make a boyfriend’ and subsequently become pregnant. Sophie told me that when she went to the doctor at the AZC and told him/her that she suspected that she was pregnant the doctor refused to believe her. She was sent away from the AZC during her pregnancy. Sophie explained that when she was told that she couldn’t stay in the AZC anymore, the people from COA confiscated her key to her room and told her that if she did not leave the AZC voluntarily, they would call the police and the police would put her in detention.

Milan, a man I interviewed who arrived in the Netherlands in 2011, also hid, as Rose did, in other people’s rooms at the AZC after being told that he needed to leave the centre. In the meantime, he searched the internet for places to go after having to leave the camp, as he refers to the AZC. His negative decision concerning his asylum request came as a surprise to him. The COA informed him that he needed to leave the camp inside two days, otherwise they would call the police. Milan also asked for advice from the COA staff on what to do if he needed to leave the AZC, where he could go. He says they provided him with no information at all and the answer he got resembled the one Joop got from the IND: “We don’t know. It is the policy”. When Milan left the AZC he did not have anywhere to go, nor did he have friends or relatives outside the AZC. As he describes it:

I came here on Christmas day, the 25th. On Christmas day I was sleeping in the park, behind the church. I don’t know, the most terrible day of my life, really. People celebrating, people happy and me on the street. I don’t know. I don’t have money at that time when I come from the AZC. (Milan)

The horizon of opportunities for those sent away from asylum seekers’ centres depends on the contacts people have managed to create whilst at the centre. The main question thus becomes how to survive in the *polis* outside the *camp*. The COA does not

actually provide people who are forced to leave the camp with information on where to go and what to do. So arriving at a railway station in a city usually constitutes the first contact outside the AZCs. The leap from an AZC to the life of an undocumented migrant is an unplanned step in the research participants' trajectories. What is transmitted is a great sense of disillusionment. The idea of Europe and the Netherlands as havens of human rights and the hopes of a new opportunity to build up a life are shattered. The expulsion from the AZC is a reversal of the *inside* of that institutional system in which the notion of *home* is lacking, but the residents are provided with their basic needs. Entering the *outside*, the *polis*, to which the state is extended. The experiences of interaction with the COA staff that the research participants have, underline how the discourse on migrant illegality that constructs rejected asylum seekers around the notion of otherness influences that interaction, in which the research participants attempt to evoke a sense of common humanity and thus compassion with the people executing the exclusionary policy assigned by the Dutch government to little or no avail.

As is apparent from the way the research participants assign meaning to their experiences of life in the asylum seekers' centres and their subsequent expulsion from there, *the nodal point of their identity*²⁵ *is the notion of the refugee*. As will be examined in the next part of this chapter, this identity organised around the notion of them as refugees provokes a strong sense of disidentification amongst the research participants with the subject position to which they are assigned by the discourse on migrant illegality. This disidentification is exemplified by *homelessness*, a common denominator amongst the research participants that will be further examined in connection to *statelessness*. As the discourse on migrant illegality

²⁵ In the context of this study, I focus on the research participants' identity as refugees and consider the discourse of deserving refugees as a common denominator through which the research participants assign meaning to their experiences. Nevertheless, as identities are a compilation of subject positions, where multiple layers and situations intertwine, I conclude that in other contexts, the nodal point of each of the research participants identity can be located elsewhere, as pertaining to a certain ethnicity/race, gender, sexual orientation, family position and so on.

concentrates on ‘othering’ rejected asylum seekers, as the paranoid nationalism of European states works to exclude these migrants on the basis of *difference*, the research participants construct their discourse on the basis of *sameness*. As they are human beings like any other, they want to experience what they refer to as *normal life*. This discourse provided by the rejected asylum seekers evokes *compassion* to counter the politics of *repression* meted out to them. As Fassin notes, contrary to Agamben’s notion of the camp as the biopolitical paradigm of the West, the *camp* and the *polis* therefore form the two sides of contemporary democracy, in which the *polis* is defended for the happy few and the camp is invented for the undesirable. In the *polis*, life is defined as the political existence of the citizen whereas the camp is defined by the lack of these same rights. As such, there remains no clear distinction between these two spaces in contemporary Europe (Fassin, 2005).

3.2 Homelessness : *I was walking, walking, walking. I cried.*

The interview with Rose, Chantal and Lisa started the minute I met these women in the street one morning as we had arranged to meet for an interview in the morning the day before. Rose arrived late, looking exhausted. She explained that she had spent the night at the railway station, since the evening before staff at the homeless shelter had told her she could no longer sleep there. She looked run down, but managed to go through with the interview...

The research participants feel an entanglement of homelessness and statelessness in their everyday lives, as the Netherlands excludes them from citizens’ rights and welfare provision but, according to the Dublin agreement²⁶, their options are either to stay in the Netherlands or to return to their countries of origin. Both of these options present uncertain prospects for survival, though often enough an undocumented stay and

²⁶ The Dublin agreement defines that a person will be returned to the country in the EU that they sought asylum in. This creates a situation for asylum seekers in which they are not able to leave the country where they first sought asylum, as they would be returned there were they to seek asylum in another EU member country (Noll, 2001).

homelessness in the Netherlands is preferable since the threat to one's life is not perceived immediate to the extent it is in the event of return.

Homelessness as a subject position

Homelessness, as defined by Farrugia, is the experience of a form of disempowerment and a unique kind of marginality which may be associated with the symbolic burden that the notion of homelessness as a cultural trope and a set of subject positions carry. Homelessness is, nevertheless, often seen as an identity, reducing structural inequality to a static characteristic of individuals (Farrugia, 2010). For Bourdieu, social space is defined by a set of relationships that translate themselves into physical space. As such, those who have no permanent residence have almost no social or political existence. Thus, the place occupied by a person, in this case a homeless immigrant, works as an indicator of a person's social space (Bourdieu, 1995) as the symbolic burden of homelessness, as noted by Farrugia, constructs the homeless as morally suspect and lacking active subjectivity (Farrugia, 2010). The research participants of this study do not first and foremostly attribute the social position of homelessness in the Netherlands to their personal choices as do many other homeless people whose position has been studied (for example, Farrugia, 2010, Parker and Fopp, 2004) but rather conceptualise it as the result of unfair policy measures that exclude them from society as a material consequence of the discourse on migrant illegality. For them, the figure of the homeless person is *unrecognizable* as a subject position and therefore the situation encountered becomes, to a large extent, unintelligible as there is a disconnection between life as a homeless person and the trajectory imagined upon arrival in the Netherlands. Just as Milan exemplifies this disconnection between the figure of the homeless person and his own experience of himself as a refugee:

Me, when I came from my country. I left my job...I left my family. Why? To end up in the streets? Why? If I would like to be in the streets why would I come here? For

me it is not about a problem of getting a home or getting a salary. For me I need safety for my life. (Milan)

This does not mean that the surrounding society does not assign the research participants the social position of a homeless person, attributing to them the symbolic burden that this entails. As will be discussed below, *identification* and *disidentification* with the situation of the research participants plays an important role in the reactions they receive from the people around them. As such, the discourse on migrant illegality in which the research participants are assigned the position of an undocumented immigrant, which evokes a repressive response, is in sharp contrast to the sense of common humanity felt by some. As shown below, these ways of relating to rejected asylum seekers have very material effects on their options for survival in the Netherlands.

Homelessness intertwined with statelessness

As Van der Horst notes, in the nationalist ideology connected to the current world system of nation states *home* is placed in the ‘home’ country as in this ideology sometimes the whole country can be referred to as ‘home’ (Van der Horst, 2004). This imaginative geography assigns migrants, especially undocumented migrants, a difficult position. As their ties to the country of residence are not recognised and, as homelessness is intertwined with statelessness, this is not compensated for by a home in their country of origin. As such, their ‘political homelessness’ and statelessness translate into *de facto* homelessness. Following Butler, when a refugee is expelled from one state, the place they arrive in may be within the borders of a given state, however the refugee does not arrive there as a citizen, but is received on condition that they do not conform to the set of legal obligations and prerogatives that stipulate citizenship. As she states:

It is not certain if a refugee arrives to a state defined by its juridical and military power and its stipulated modes of national belonging under the rubric of citizenship, or by a certain set of dispositions that characterize the mode of *non-belonging*. (Butler, 2007, 6, emphasis added).

Lotte, an older woman who participated in the first group interview told me that when she was forced to leave the AZC she was told that nobody can be deported to her country of origin²⁷, as involuntary deportation to this country is impossible. Her situation exemplifies the double bind of homelessness and statelessness that many of the interviewed brought up. The IND would therefore not try to send her back involuntarily, but instead would send her to live on the streets of the Netherlands as it would no longer provide her with shelter. As such, she has very little means to survive in the Netherlands but does not want to and most likely could not return to her country of origin either, as she fears for her life if she were to return there.

I would like to argue that the discourse on migrant illegality works to produce what Butler calls ‘spectral humans’, deprived of ontological weight and failing the test of social intelligibility required for minimal recognition (Butler, 2007, 15). In line with Butler, these people are those whose age, gender, nationality and labour status not only disqualify them from citizenship but *actively qualify them for statelessness*. As such, the stateless are stripped of their status as citizens only to be simultaneously accorded the status of non-citizen (Butler, 2007, 16), as is apparent in the discourse on migrant illegality.

²⁷ There are several countries or parts of countries to which people cannot be deported involuntarily. At the moment these countries and regions are for example Irak, Central- and South Somalia and Eritrea. Nevertheless, the Dutch government insists that people can voluntarily return to many of these regions and thus refrains from admitting temporary or long-term residence permits for asylum seekers from these regions. Source: www.rijksoverheid.nl, visited 17.5.2012

Experiences of homelessness

Jasmijn spent six months living *op straat* (in the streets), as she calls it. In her case this meant that during this period she had no permanent shelter, no food security and experienced great difficulty receiving medical treatment. After circumstances forced her to leave the AZC, she spent the first night at a railway station. She described to me that at the time she was afraid of the police and kept walking all night so that she would not be stopped. In her words: “All the night after twelve I was walking on the train. Walking, walking, and walking. Jaah, cause I am afraid”. She felt afraid and sought out other people from her country of origin. As she was unsuccessful during that first night, the next morning she went to an area where she knew she could find a mosque where she could definitely find them. Jasmijn managed to come into contact with a man from her country of origin that she knew who had already spent a long time *op straat* and this man provided her with information on which organisations to contact to get help.

As laid out in the previous chapter, access to long as well as short-term shelter is particularly restricted for undocumented immigrants in the Netherlands. Women are often depicted as victims in the discourse on migrant illegality whereas men are seen as active subjects and, as such, women and children are a special target group for many organisations that provide shelter, but the female research participants often fail to make use of these possibilities as they do not know about them. As people are less prone to see women as possible threats accommodation was also more easily provided to the female research participants by compatriots and Dutch people. However, on the other hand, the women interviewed always noted that homelessness often puts them in particular jeopardy *as women*, especially during pregnancy.

Sanne, the young woman that was pregnant during the time she was living outside the AZCs, told me that when she was forced to leave the AZC she had no idea where she could go. The first night she stayed at a railway station. During the five months that she

was homeless she felt very afraid since she did not know where to sleep and also, as it was her first pregnancy, she was fearful of how her living conditions would affect the baby. Both people from her country of origin as well as Dutch people that provided ad hoc help gave her a place to sleep for some nights when they noticed she was pregnant.

Butler evokes the ‘face’, a notion introduced by Levinas, to explain why people make moral claims upon each other. As identification with the Other is the beginning of an ethical relationship, the ‘face’ is not only the face, but operates as a catachresis: it describes the bodily parts that transmit a feeling, an utterance that is not, strictly speaking, linguistic (Butler, 2004). I argue that it is *the recognition of the precariousness of another’s life* that provokes some people to provide help to the research participants, and as Butler argues, it is the ‘face’ that provokes this understanding (Butler, 2004). As Sanne recounts, one Dutch woman gave her a place to stay for most of the time she was homeless. She states:

Dutch people helped me when they saw that I am pregnant. They’d say “Ooh, you are still young”. They gave me food, Dutch people that live in houses. When they saw that I am pregnant, I don’t have shelter, and I don’t have food, medical insurance, they’d help me. (Sanne interpreted by Jasmijn)

As such, the recognition of the precariousness of her situation evoked a response among people who were complete strangers. Sophie, who was also pregnant when she was homeless, received ad hoc help from other Muslims, as well as Dutch people just as Sanne did. She recounts similar experiences as Sanne how she would approach people explaining her situation and that people would help her when they saw that she was a pregnant woman facing homelessness and didn’t have anything to eat. She adds that she had to change abode every couple of days as people would tell her to leave after a few nights. Sophie told me that if people that gave her shelter were not able to find her other places where to stay, she would

go to a railway station and hope that somebody would see her plight and offer her a place to stay. She explained that she cried constantly during these times.

Jasmijn told me that she lived at the home of a compatriot for several months. But as the financial situation of this woman was difficult and in addition she had a small house and a young child, the extra burden of having another mouth to feed and the cost of having Jasmijn living there were too much in the end. After some months, she asked Jasmijn to move away. As noted in these women's stories and also apparent in the previous studies conducted amongst rejected asylum seekers in the Netherlands, the majority of the people that provide assistance and shelter to this group are other immigrants, and I wish to argue that the precariousness of the research participants' existence is recognised with greater ease by people who belong to the same ethnic/racial or cultural and religious background.

Butler notes that 'the face' does not always evoke an ethical response which happens when the human that represented by the face cannot be recognised. The face that we see can therefore mask the 'sound' of human suffering and the proximity we might have to the precariousness of life itself. As such, the 'I' who sees the face does not identify with it, the face represents that for which no identification is possible, constituting an act of dehumanisation and a precondition for violence (Butler, 2004). As the discourse on migrant illegality represents the research participants as radically other, people with whom - as the situation Joop encountered with the IND interviewer revealed - no identification is possible for some, the structural violence meted out to them materialises when the precariousness of someone's life fails to provoke identification in the 'I' that witnesses it. As Butler points out, this shows that disidentification is part of the common practice of identification itself (Butler, 2004) and as such, the research participants oscillate between these two poles as they struggle to survive in the Netherlands.

Sophie told me that during the eighth month of her pregnancy there were medical complications. She relates this to the stress caused by having to constantly be on the move, walking everywhere and not getting adequate sleep. Sophie started to bleed heavily at that time and she was admitted to a hospital. After staying in hospital for some days she contacted the VVN in the hope that she would be able to stay at an AZC again. She sought for a place at an AZC for several days, but was refused shelter and was told to wait for another two weeks. She ended up staying at a railway station even though she was bleeding. As she recounts:

IND in [...] they said that ok, you are from [...]. You have to come back after 15 days. I said "I am losing blood. I have to come back? Please help me". When they said in the IND that I have to come back I cried. They didn't accept me. I came to the station, the blood was coming. I was sleeping in the chair of the station.

(Sophie interpreted by Jasmijn)

The structural setting left Sophie in a highly vulnerable situation, as the response evoked from the IND officials followed the policy guidelines informed by the discourse that assigns Sophie the status of an undocumented immigrant thereby making her ineligible for welfare provision. I argue that the ease with which Dutch society structurally denies the research participants their basic needs for survival springs from, as noted by Butler, a process of disidentification whereby their assigned subject position as homeless as well as their racial and divergence from the Dutch majority make their 'face' unrecognisable so it fails to evoke a moral response.

As mentioned at the beginning of this section, Rose arrived at the interview after a night spent walking around the city and sitting at the railway station. Her experience of being homeless highlights the specific feelings that many of the interviewed women shared with me of how their position as women added to the difficulties experienced by all homeless

people. She described her astonishment that she was only informed in the evening that she would be refused shelter as she had exhausted her stay at the shelter:

They should have told me in the morning that this night I cannot sleep there. But no, they wait until the night. To have to be out in the night, you don't know where to go. People can harm you, you can be raped, and you can be killed. I don't understand people. This is suffering. I am walking, I am crying. What is this? We come from suffering. We come here and we find pure suffering. We are suffering. We are really suffering. I didn't sleep tonight. I cried, I cried, I cried. This is not easy, our situation. At the homeless shelters, this is very difficult for us. (Rose, through an interpreter)

As is noticeable in Rose's situation, even though undocumented women are in general provided with shelter more often than undocumented men, the people working at the homeless shelter failed to recognise her situation and assist her in securing her safety. In addition to this, as a woman, she feels that she can easily become a target of sexual violence and therefore tries to avoid staying in the streets at night. Also through her experience of herself as a deserving refugee she has a strong sense of disidentification with the subject position assigned to her in this country.

The normal life

In general, life at the homeless shelters, even though preferable over life in the streets, is described as a daily struggle for survival, during which any sense of *normal life* is easily lost. Lisa has been homeless for some months now after her release from the detention centre. She told me that she initially sought assistance from the VVN and they managed to arrange accommodation for her with a family that is from her country of origin. But when the VVN read her file they soon found out that she was refusing to cooperate with her return and subsequently ceased to provide assistance to her. Lisa, as well as Rose and Chantal, are all staying at homeless shelters in Utrecht. Lisa tells that every day they need to leave the shelter

at 10:00 in the morning. The staff from the shelter treat them in a demeaning manner and, as she puts it: “they insult you as if you were a child”. Lisa spends her days at the STIL office or goes for a walk around the city. Her map of the city is organised around the shelter where she spends her nights, the STIL office where she can spend her days and, on some evenings, a church where free meals are provided to the homeless. She explains that as she does not have any money, even washing clothes at the shelter is difficult as you have to pay one euro to do so. It is very difficult to sleep at the shelter and sometimes she does not sleep at all. As a result she constantly feels tired. She also feels that as she lacks a place to rest, she does not have the energy to plan her future. She made the following comment on the feelings the three of them, Rose, Chantal and Lisa have:

If they [referring to people that help her] can find us housing, then we can think about our lives. (Lisa through an interpreter)

Jasmijn describes how her life at a shelter as: “*Dakloos* (homeless[ness]) really is a *moeilijk* (difficult) life”. The rooms are shared by several people and they often smoke cigarettes in the room or, as she puts it: “they would also smoke other things”. Jasmijn experienced difficulty breathing during her stay at the shelter and often coughed and vomited blood. She told me that during her stay at the homeless shelter there were also many other *refugees* staying there. After a months’ time, she was told that she had to leave the shelter, as people that are not registered in the municipality are not eligible for long-term shelter. Milan describes this life as very hard, as you can only be there during the night and during the day you have to roam the streets. He feels exhausted after having lived at various shelters for some two months. According to him, there is a very international community of people staying at the shelters and many of them people have alcohol or mental health problems. He related his feelings about living in the streets as follows:

Spending today, today is Monday, tomorrow is Tuesday, blaablaablaa. Day and day, day and day, blaablaablaa. You spend a lot of months in the streets without anybody caring for you, without getting a home. (Milan)

Milan also told me that he structures his days by going to the public library to read the newspaper and sometimes to read a book. He eats at the daytime shelter and wanders around the city. He also pointed out the fact that his options are limited because he does not have any money and even using the library's computers costs money. Milan feels that the most urgent problem that he now faces is not having a home. As he does not recognise himself in the subject position of 'the homeless' he feels that the homeless shelters are places for people that have lost their homes due to their own irresponsible behaviour, not for refugees. Milan hereby highlights the difficulties the combination of having rejected asylum seekers, who are often more aptly described as 'houseless', stay at the same facility as people whom the homeless shelters primarily target, the 'homeless'. Also, as Milan defines himself as a deserving refugee, he does not recognise the precariousness of the lives of people residing in shelters that have ended up there through different routes than he did. He fails to see the 'face' of the Dutch homeless people and, as I argue, this mutual disidentification with each other that the two groups residing in the shelters often experience also works to hamper the opportunities for mutual aid and understanding that would lay the foundations for cooperation as opposed to the antagonism that currently often exists between the groups.

Joop explains that the way he has survived his situation has been to come into contact with people; Dutch people as well as other migrants. He made an effort to become friends with people and this enabled him to get a place to stay and some support. As he remembers it: "That is the way that I can survive and make my life. Just to live and not to die". Joop is also currently taking a course that will prepare him for admission to university in the

Netherlands²⁸. This experience of preparing for university gives him a feeling of *normalcy* that he can be just like anybody else, regardless of his background and legal status.

Jasmijn also told me she wanted to attend school in the Netherlands, but as she had only completed two years of schooling in her country of origin, she was not admitted to the course. She explained that she has always been interested in learning new things and studied English on her own in this country, but is very sad that she cannot continue her schooling here. As such, the educational background and language background that people have before arriving in the Netherlands are also defining factors of how they are able to gain a sense of having a *normal life* in this country, not only for being informed about their own situation as stated in the previous section. As Joop noted the fact that he is able to attend school makes him feel he belongs to the society around him and also enables him to enter into contact with Dutch people. Thus it is not only gender and race that play an important role in the research participants' experiences in the Netherlands, class, age, educational and linguistic background are also defining factors for their survival.

As shown in this section, the research participants are not only disqualified from citizenship in the Netherlands, but are actively qualified as stateless. This political statelessness translates into de facto homelessness, demonstrating, as did the extension of the state of exception from *the camp* to *the polis*, how the political and the social are necessarily intertwined as one's lack of political rights effectively limits one's possibilities for survival in the Netherlands. The subject position of a homeless person as well as an illegal immigrant, produced by the discourse on migrant illegality is to a large extent unrecognisable to the research participants. The processes of identification and disidentification with the research participants follow the lines of the moral economy of repression and compassion, as the 'face' provokes an identification and subsequently an ethical response in some people and the

²⁸ UAF (*Universitair Asiel Fonds*) provides higher education opportunities to asylum seekers. The requirement is that the applicants have a minimum of 12 years of education. Also, for The UAF, having an ongoing asylum claim is a prerequisite for being admitted as a student. Source: www.uaf.nl, last visited 17.5.2012.

solemn recognition of them as subjects of repression in others who fail to respond to the precariousness of the Other. The subject position available, especially for the female research participants in their struggle to survive and gain recognition as people deserving protection, is that of a victim. As I will analyse in the next section, this claim for protection is enacted through the suffering body which opens the possibility of recognition of the research participants' claims on the basis of a humanitarian response. Nevertheless, this subject position of a victim can hamper the research participants' options for remaining active agents in their own lives. As I will argue, there is a strong discrepancy between the major step of leaving one's country of origin to seek a more secure future without political and humanitarian difficulties that are often also intertwined with economic difficulties that they have experienced and the limitations to one's opportunities faced in the Netherlands as the bodies of the rejected asylum seekers become the locations of politics.

3.3 Body as a location of politics: *My life is always damaged by politics*

As Luibhéid argues, immigration control in its many permutations is a crucial element of *the calculated management of life* in contemporary societies (Luibhéid, 2002, xiii). I evoke the phenomenological notion of the *lived body* as well as the notions of *orientation/disorientation* to examine how someone's lack of citizen's rights as well as ethnicity/race function as defining factors for how people orientate themselves within the European borders. As the bodies of the research participants are inscribed in multiple ways as *locations of politics*²⁹, immersed in the powers of modern nation states, these effects are felt at a physical as well as a psychological level. In addition to examining how the political is ascribed to the lived bodies of the research participants, I argue that it is first and foremostly through the *suffering body*

²⁹ In his discussion about biopolitics, Foucault argues that 'in the Modern state formation, deployments of power are directly connected to the body' (Foucault, 1990, 151).

that the research participants assert themselves as worthy of recognition as *deserving refugees*.

Orientation within European borders

Borders are everywhere. As Johnson states, the conceptualisation of borders has shifted from the ‘borderless world’ of the 1990s to a concept of borders residing ‘everywhere’, referring to the contemporary situation in which a sovereign state’s border can no longer be isolated along the lines of a geopolitical map. As much of the contemporary bordering work happens far from the political border itself, (through procedures such as document procurement, data monitoring, immigration raids and exclusionary narratives in media and popular culture) borders are enacted and materialised in a variety of ways (Johnson et al. 2011). How the political is inscribed in regulating the movements of rejected asylum seekers limits the options they have in their daily lives as shown in the previous sections of this study. As the figure of borders has become dispersed to anywhere where people are controlled (Balibar, 2004), the control of movement is not restricted to the borders of nation states, but can become effective at any point in time. Rejected asylum seekers feel their social and political exclusion as a punishment that is meted out to them in contrast to the assumption that they would be given a possibility to improve their lives and gain recognition as rights-holding subjects by entering the European Union. This situation seems contradictory and to a large extent out of their control. In the research participants’ experiences, the question of where one orientates oneself ties into, as Ahmed states, the question of how one’s ethnicity/race, as well as gender and as I claim, one’s (non-)belonging to a national community shape one’s orientation in the world. I argue that in order to orientate oneself ‘in line’ with European borders, one’s lack of citizenship becomes a defining factor. As Ahmed sees it, orientations exceed the objects they are directed towards and become ways of inhabiting and coexisting in the world. This

manifested itself as feelings of *disorientation* and *dislocation* (Ahmed, 2006), as the research participants attempt to turn towards Dutch society and it subsequently turns itself away from them. The struggle to orientate oneself without the status of a citizen often proves to evoke *borders* in their everyday life and the bodily effects of these failures in orientation become tangible. As the border between Dutch society and rejected asylum seekers and other undocumented migrants is apparent in everyday life, it many times also acts as a border between them and *normal life*, as demonstrated in the previous section. As Fassin notes, ‘it is in their *flesh* that undocumented immigrants understand the implications migration politics have on their lives’ (Fassin, 2005, 371).

I take the existential phenomenological notion of the lived body as the starting point when examining the ways the physical as well as the psychological effects of the discourse on migrant illegality are felt by the research participants. As will be shown in this section, the socio-cultural context in which the research participants reside is, as noted by Young, entangled with their acting and experiencing physical body, thus ‘*the lived body is always a body-in-situation*’ (Young, 2002, 410). As Young notes, the lived body is compiled of *facticity* and *freedom* i.e. the material facts of one’s body and its relation to a given environment are intertwined with the will to formulate one’s own life trajectory. Young goes on to posit that every lived body has specific characteristics and capacities that function in determinate ways. In addition, each specific body lives in a specific context. As she states:

[...] having food and shelter available or not, as a result of culturally specific processes that make specific requirements to this body’s access to them. One’s facticity is constituted by all the concrete material relations of one’s bodily existence as well as the surrounding physical and social environment. (Young, 2002, 415)

As Young notes, contexts of discourse and interaction position people in systems of evaluation and expectations which often implicate their embodied being³⁰. Therefore a person's subjectivity is conditioned by socio-cultural facts and the behaviour of others in ways the former cannot choose. Nevertheless, the lived body recognises the ontological freedom and will to formulate one's own life trajectory that each individual has on acting in relation to the unchosen socio-cultural facts that work to define one's subject position (Young, 2002).

I have been asked several times that '*Why is it so important for white people to have papers, to have control?*' The experience of people that lack the documents that would grant them citizens' rights is that these papers are often necessary for *survival* in this country. This question also underlines the connection between 'whiteness' and European territory, as these policies of control exemplify the European space as a supra-national space that is nevertheless tied to a notion of whiteness as a defining factor in the imagined organisation of European space. As Ahmed defines it, geographic spaces are in themselves orientated and as such *proximity* and *distance* come to be lived and associated with *specific bodies* as well as places. As Ahmed notes, when we are orientated *towards* Europe, we are orientated *around* whiteness (Ahmed, 2006). As the people who asked the above question are people of colour, it is clear that European space is, to them, orientated around whiteness. As Ahmed points out, the question of orientation is not only an individual matter, as shared direction shapes collectives as a *we* that emerges from the repetition of a sense of shared direction. But as Ahmed nevertheless concludes, the paradox in the formation of a collective through an

³⁰ The lived body is a notion in which group identities such as gender, race, class and sexual orientation are taken as distinctive bodies, features and capacities of each person. Nevertheless, it is important to maintain, as Young notes, a close eye on the practices of micro as well as macro structure. In one's lived body, several axes of identity and social positioning create one's individual experience and define the options in the world. But in order to give full account to the social structures that position individuals differently in relation to each other, it is necessary to maintain categories of distinctions such as gender and race, in order to investigate the macro level of structural inequality. These group identities that form important axes of difference according to which individuals are positioned differently constitute the conceptual tools used to describe the rules and practices of institutions (Young, 2002).

orientation towards a shared object is that this very object is itself an effect of the repetition of the orientation toward *it*. As such, nations are ascribed as *collective entities*, but simultaneously exposed as *imagined communities* (Ahmed, 2006). As noted, the collective orientation towards a nation excludes, by definition, those who lack citizenship, the decisive marker of belonging to this collective identity. In addition to citizenship, the imaginary of Europe is entangled with whiteness, and as Ahmed notes, its reproduction in public and private spaces not only allows white bodies to extend their reach, but also shapes those bodies that cannot possess whiteness (Ahmed, 2006).

The fact of having one's fingerprints taken upon arrival in the Netherlands and the subsequent confinement within the national borders of this country is something that encompasses the lives of rejected asylum seekers. In the discourse on migrant illegality, national borders and migrant databases denote a structure of legality and control that asserts the idea of controlling the national borders as a task that nation states and the European Union as a whole can perform. For the research participants, these become very material things, inscribed on their bodies and limiting their movements, thereby shaping their lived bodies as a location where politics becomes materialised.

Joop describes how the border became inscribed in his body, in his flesh, as his fingerprints were taken in the Netherlands, tying him to the country, even though he lacks citizenship. The bodily fact of having one's fingerprints registered is experienced as a gesture which ascribes someone to the discourse on migrant illegality as an 'illegal alien'. As Joop states:

They accept asylum requests. I am not a criminal. I am just an asylum seeker. That's why I came here. If they don't want anybody to give any status or any asylum case they have the right to say no. But if they *take their fingers* [fingerprints], then they can call "Aha, you are illegal". *They make me illegal.* (Joop)

As Joop explains, his fingerprints, a unique and individual part of the body, were taken away and ‘turned against’ him. His fingerprints thus ‘reveal’ him as someone who he believes he is not. It is as if *his fingers make him illegal*. He toys with the idea that if only his fingerprints could be erased from the database in the Netherlands, he would be free to go and try to build a life for himself somewhere else. At the moment he feels stuck in the situation he is in. As life in the Netherlands as an undocumented immigrant evokes borders at the level of one’s everyday life, Joop compares residing in the Netherlands to being in prison. As he puts it:

It is like an open jail, you cannot go anywhere. You are just here. You feel like this is the whole Europe. (Joop)

Joop, by this statement, draws attention to something which Balibar noted. The current relocation of European borders, as embodied by the Schengen agreement³¹, creates a common European citizenship based on nations being members of the European Union, incorporating anyone who was already a citizen of one of the member states, excluding anybody who comes from an extra-communitarian area. I follow Balibar in arguing that this constitutes a sort of European Apartheid, constituting the other side of the emerging European Community (Balibar, 2010). The European community imprisons Joop within the national borders of the Netherlands at the same time excluding him from the European Community. As such, Joop’s orientation can only be directed towards Europe, but simultaneously he is left feeling that, for him, this European Community is ‘an open prison’, as the European

³¹ The Schengen area and cooperation are based on the 1985 Schengen Agreement. The Schengen area represents a territory in which the free movement of persons is guaranteed. The signatory states to the agreement have abolished all internal borders and instead rely on a single external border. Here common rules and procedures are applied with regard to visas for short stays, asylum requests and border checks. Simultaneously, to guarantee security within the Schengen area, cooperation and coordination between police services and legal authorities were stepped up. Schengen cooperation was incorporated into the European Union (EU) legal framework by the 1997 Treaty of Amsterdam . Source: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm, last visited 20.5.2012

Apartheid envisaged by Balibar, erects physical as well as imaginary borders between citizens and non-citizens.

Joop describes how he has to remain very conscious about what he is doing and where he is when he is on the streets. He needs to do so to ensure his safety, to not get stopped by the police and subsequently be asked for his papers. When he is not at the STIL office or in another space where he can trust the people around him, he needs to be very careful. There is a difference between the *safe space* where he does not have to be in a constant state of alert and the *unsafe space* that is nearly everywhere else he goes in which he is the *illegal alien* that can be stopped, checked and detained. It is as an illegal alien that Joop needs to orientate himself in Dutch society, due to the socio-cultural context in which his body acts and feels, and in which he is thrown into a situation of illegality. This, however, provokes a sense of disorientation as Joop feels uncomfortable being described as an illegal alien, since to him this automatically has criminal connotations, as if he and all other rejected asylum seekers and other undocumented immigrants are criminals. Joop rejects the identity of 'illegal alien' but on the other hand he has to enact it, live it out, in order to avoid danger.

Joop told me an anecdote about when his Dutch teacher found out he didn't have any documents and could therefore not register for the *Staatsexamen*³². The teacher was entirely taken aback when he realised that Joop was an undocumented immigrant. The teacher had said "You are illegal?", and as Joop recounts, he had responded "I am human, you can make me whatever, call me whatever, call me anything but I am just human." Joop jokingly describes that the teacher reacted 'as if he would have seen a lion'. As the Dutch teacher had not, before this incident, positioned Joop as an undocumented immigrant, he experienced a sense of disorientation when he realised this. The interpretation of Joop's embodied being was therefore dramatically

³² Staatsexamen NT2 is a Dutch government language test . Immigrants are obliged to take this test in order to prove that their proficiency in Dutch is adequate to study and work in the Netherlands. Source: http://www.cve.nl/item/wat_is_het_staatsexamen_nt2, last visited 19.5. 2012

altered when the realisation dawned that he was a rejected asylum seekers, therefore an undocumented immigrant and this worked to assign him to the particular subject position of illegality. Suddenly Joop appeared as a threat to his teacher and was assigned to the discourse on migrant illegality. Joop's reaction, on the other hand, resisted the interpretation as illegal immigrant and evoked a notion of *sameness* with the teacher.

The Suffering Body

The trope of a suffering body in need of compassion and recognition plays a large role in many of the research participants' accounts. Jasmijn's account of how her lived body reacts to her situation is exemplified as she explains that the stressful situation she is in has caused her period to become more severe. She explained that for the last twenty days she had been bleeding heavily and it was only on the day of the interview that she started to feel better. She believes she needs an operation to treat her condition, but so far all she has been given are iron tablets. She feels that she has not been provided with adequate treatment and does not understand why she has to be in such a precarious situation in the Netherlands as she is sick and alone. As she puts it:

In the last meeting with the DT&V...I was sick at that time. They said "Jasmijn, if you don't go back to your country voluntarily you must go by force". I said "I am sick, I am alone. Why should I go back to my country? First I must get medical help because I am human like other people." They said "No, no, no, no, you must go back, you must go back to your country." So I am still waiting...I am waiting. I am sick. But when I tell them about my medical condition they don't respect me. They say "we are not doctors". Now ... I hope that they will...respect my basic needs... (Jasmijn)

Jasmijn told me that during the time she was homeless she had five periods during which she exhibited severe blood loss and she is certain that her health deteriorated as a result. Besides this medical problem, Jasmijn talks about the affects her situation has had on her mental state. She talks about how she forgets things very easily now and how this was not the case before. She told me that:

When I came to the Netherlands I thought that I'll get a new life and I'll lose the problems that I had in...[her country of origin]...But the problem in the Netherlands is bigger than the problem in...[her country of origin]. You can live or die and it is not different here, you can live or die in the Netherlands. Only the mental problems are different. [This situation] is causing mental problems for everybody. (Jasmijn)

Jasmijn explained that she has heard that many people from her country of origin have mental problems caused by the situation they are in. She attributes this to the hard conditions that rejected asylum seekers live through as well as the continuous waiting for a decision on an asylum claim that could hopefully change their situation. Jasmijn also told me how she felt she had changed. Before she came to the Netherlands she was always interested in learning new things and in general wanting to 'think everything', as she puts it. She described how she now sometimes forgets to put a coat on before she goes outside. She thinks this is caused by the fact that she cannot get her problems out of her mind and often fears that she will lose her sanity if this situation continues. Emma also describes how many rejected asylum seekers are homeless for several years, including under-aged children and paralysed people. She described situations in which people that she meets on the streets do not recognise her, even though they have stayed in the same AZC with her for a long time. This she attributes to, as she says to: 'people going crazy from too much thinking'. This 'people think too much' is a comment that many rejected asylum seekers that I encounter use to describe what it is that makes them feel stressed. Emma feels that the problems that she faces in her

everyday life remain the same wherever she goes in the Netherlands. She has difficulty sleeping and she also experiences severe menstrual blood loss that she connects to the stressful situation she is in. She describes a feeling of *being stuck in her situation*, as she says: “Ik [I] *alleen* [only] sit here”. Jasmijn told me that at the time she was in a detention centre, Emma, who was there at the same time, was vomiting blood. Jasmijn explains that Emma has had many problems during her stay in the Netherlands and, as Jasmijn says, this is “because of the life here”.

Jasmijn and Emma described how their lives, as well as those of others, are marked by the situation they find themselves in. As I argue, their disorientation in the Netherlands is clearly apparent, as they often feel stuck in the situation they are in. This has had a marked effect on them, as they have experienced severe health problems, both physical and mental, which they attribute to the situation they live in, and this demonstrates how the situation they are in encompasses their entire bodily being. They feel that their own projects and the desire to be in charge of their own lives is hampered by the position they are in, in which hopelessness and, as they call it, insanity, are all too often the result of the inability they feel to be *active agents in their own lives*, able to follow the paths they imagined upon arrival in the Netherlands.

How these women describe their situation and also claim to be worthy of help is through the *suffering body*. Both during interviews and in general interaction it was notable that it is predominantly women that emphasise the physical suffering of their bodies as a means of legitimising their position as refugees who deserve protection. There is a link here with the discourse on migrant illegality as well as the discourse of compassion as it is often only as victims that women can claim protection. The subject position of a victim can nevertheless hamper the research participants’ opportunity to remain active agents in their own lives. There remains a strong discrepancy between the act of leaving one’s country of

origin to seek a more secure future free from the political and humanitarian difficulties of which economic difficulties and extreme poverty are an integral part, manifesting a great sense of active agency, and the discourse available to them in Europe, in which their recognition as deserving refugees only arises from humanitarian concerns i.e. the suffering body. As Fassin states, it is not because of the political risks that they have taken or the dangers they face in their countries of origin that Europe is willing to recognise their presence. Rather, it is for the physical or psychological distress they can demonstrate. As she states 'it is the suffering body that society is prepared to recognise' (Fassin, 2005, 371). As Fassin notes, Europe has moved to a form of compassionate attention to individual suffering in which the search for a common humanity resides in the recognition of bare life, that of the physical alterations to the body. This shift from acknowledging refugees on the grounds of political threats to an emphasis on the humanitarian causes for protection is what Fassin calls *biolegitimacy* (Fassin, 2005).

It's hard on your mind

Milan described the effect his situation has on him, his situation is: "hard on your mind, it is really a hard punishment of life". As he lives at homeless shelters he explained that he sees many people that, as he puts it: "damage their lives", and display symptoms of insanity such as speaking to themselves and using drugs and alcohol. He feels that these psychological problems are starting to appear in him too and he fears he will lose his sanity if he continues to live this way. He told me that he often has difficulty imagining his future and - as he did not achieve the security he had hoped for when he came to the Netherlands - he now fears : "that I will lose my humanity too". He described these feelings of hopelessness as what I would refer to as a form of *melancholy*. Melancholia, as described by Khanna, is a response to a loss where the object lost is not effectively assimilated. Following Freud, she states that in melancholia the lost

object is 'swallowed whole' and in a sense, it is unclear for the melancholic what she or he has lost. There is therefore a feeling of ambivalence towards the lost object as this object becomes a part of one's ego through a process of inversion (Khanna, 2003).

What I argue is that a feeling of melancholia is provoked in the research participants as their imagined futures were not achieved upon arrival, but at the same time, *that future never really existed* as Europe's approach to migration is based on a system of exclusion that concerns not only rejected asylum seekers and other undocumented migrants but encompasses all migrants that are positioned in the lower rungs of the global economy. The feeling of loss becomes a phantasmatic object, *an imaginary of Europe that proved to be erroneous but still keeps on haunting their desires for future*. In a sense, this phantasmatic imaginary of Europe as a bastion of human rights and home to welcoming societies for immigrants, where one can build a life free of danger, is an imaginary that the research participants share with European citizens. Nevertheless, the research participants are forced by the material effects of the discourse on migrant illegality to realise that this imaginary is, indeed, an illusion. Nevertheless they are left longing for it and compare the situation they encounter in their daily lives to this imagined future. The participants in this study described a feeling of loss as they spoke about the melancholia provoked by their everyday experiences. In these experiences, the imagined future as a deserving refugee remains a part of one's identity even though this future was, and possibly will never be achieved and it never was really clear what this possible future might have been.

Milan thinks that it is only the people that have been in his situation (homeless and without documents) that can understand, *know*, the feelings he experiences, as many times he has difficulty finding the words to describe them. He describes his situation by talking about *pain*, *problems* and *hopelessness*. He views this situation as very damaging to his life and emphasises the contradiction inherent in the situation of people arriving in the

Netherlands as asylum seekers i.e. in need of protection who then end up in a situation in which they truly have to struggle to survive.

So what I'm going through is just also losing my humanity. What I'm feeling now is a bad feeling. Sometimes I don't see the future. Really, sometimes I cry, sometimes I shout, sometimes I'm angry. Sometimes we lose hope. For whom are you crying? For whom are you going to talk to to solve your problem? Nobody. (Milan)

Lisa has a very similar interpretation of the effects that living in the social position of an undocumented immigrant has on her. As she states:

This is not normal; this makes people crazy...Since I am here I scream, but until now I wasn't taken seriously... as I don't have documents, who will take me seriously? (Lisa through an interpreter)

Milan assumes that if he keeps on living in the situation he is in at the moment, suffering to the extent that he feels he is he will not remain the same person he is. He talks about his life as marked and damaged by politics. He feels that the course of his life has been directed by the political upheaval in his country of origin and now he is marked as an illegal alien in the Netherlands. This, to him, seems *illegal*. He has a sense of how his life has been shattered by politics and now there is very little left of it. He feels a strong sense of dislocation as his trajectory in the Netherlands proved to be very different than imagined upon arrival. Milan questions the worth of possibly being granted a residence permit and subsequently the chance of a different life in the Netherlands, if years of living in the situation that he describes has already damaged people that came to seek refuge in the Netherlands so thoroughly. As he says: 'What would this paper mean for me, really, if I am not strong enough?'

As this section of the analysis demonstrates, the research participants often feel a strong sense of disorientation in the Netherlands, as the border between them and Dutch society as well as normal life manifests itself in everyday life situations. The lived body of the

research participants becomes a location of politics through very material effects, such as confining them within the Dutch nation state through the practice of taking their fingerprints upon arrival in the country. Also the bodily effects of the discourse on migrant illegality are marked by struggling to maintain one's sanity and physical wellbeing in a situation in which the will to be the active agent of one's life encounters obstacles. As women are often portrayed as victims in the discourse on migrant illegality, it is through the subject position of a victim that the female research participants mainly assign meaning to their experiences. This is caused by European countries' reluctance to recognise asylum seekers' entitlement to protection on the basis of political threats or economic hardship, and the discourse on migrant illegality that creates a division between active male agents and passive female victims. Even though this gendered division is not clear cut, as is shown by the experiences of female research participants in which they are actively described as a threat to the national community, it is predominantly the female research participants that evoke the trope of the suffering body in order to affirm their position as humans worthy of protection. This subject position nevertheless places them in a conflicting situation, as they simultaneously struggle to gain active agency in their own lives as a manifestation of their will for freedom. As noted, the compassion thus evoked revolves around the figure of the victim. I will further argue in this study that what is needed is an alteration of the discourse of compassion in which the agency of the people facing the discursive as well as material effects of the discourse on migrant illegality is enforced by creating *a compassionate encounter*. An encounter in which they are not only viewed as suffering bodies worthy of protection on a humanitarian basis, but as legitimate interlocutors of their own situation, a notion that will be examined in the next section.

3.4 The right to have rights: *We are human, we need human rights*

From the analysis of how the body of the rejected asylum seeker becomes a location of politics, I will move on to discuss how rejected asylum seekers, lacking citizen's rights in Europe, *talk back* to the discourse on migrant illegality, as the nodal point of how they assign meaning to their experiences is the subject position of *a refugee, a stateless person that nevertheless has the right to have rights*. 'The right to have rights' is a notion evoked by Arendt as she defends the right of every human being to belong to some community. She sees that we can only become aware of the existence of the right to have rights and a right to belong to an organised community if we witness a situation in which people are deprived of their human rights due to their non-belonging to a national body that would grant them citizenship. This, for Arendt, shows that even though the right to have rights, the right of every individual to belong to a common humanity should be guaranteed by humanity itself, it remains uncertain if this is the case (Arendt, 1976). There is an absence of civil rights for rejected asylum seekers and, as Balibar argues, for immigrants from Third World Countries in general in contemporary Europe. They do not benefit from a reciprocal protected status, as is the case for citizens from other powerful nations, but are the subjects of the arbitrary abuse of power (Balibar, 2004). Balibar follows Arendt in stating that political rights, their actual granting and conditions of equal citizenship, are the true basis for the recognition and definition of 'human rights'. 'The right to have rights' is therefore not the minimum remainder of the political, it is much more the maximum. The minimum recognition of human beings belonging to the 'common' sphere of existence enables a totality of rights. This is because the people denied citizenship are, in contemporary Europe, also automatically denied the material conditions of life and recognition of their human dignity (Balibar, 2004).

The subject position of an undocumented immigrant contrasts sharply with the self-definition and understanding that the research participants have of themselves. The

discourse on migrant illegality demarcates to what extent alternative discourses can be intelligible to and recognised by others. Nevertheless, the group studied produces a discourse which creates a space in which rejected asylum seekers can define themselves as deserving refugees and through advocating a sense of common humanity claim entitlement to their basic human rights. I argue, following Balibar, that the actions of the self-organisation *Vluchtelingen op straat* are a moment at which a group of people excluded from citizens' rights demand their right to have rights and this directly questions the level to which a state can determine who it grants these rights to. As such, at a point in time at which immigrants lacking citizens' rights has become commonplace in Europe, when undocumented people, in this case rejected asylum seekers, actively start demanding their basic social and citizens' rights is a situation in which they *de facto* take up the position of active citizens (Balibar, 2004).

Discourse of survival

As Fassin notes, when 'refugee' is used to denote people to whom the state authorities are not willing to grant this status, it indexes their residential situation and their universal condition rather than a legal position (Fassin, 2005). The discourse of deserving refugees that the interview participants use to talk about themselves creates a group of *inclusion* in which people can restore their sense of humanity. It is also a discourse of *survival* that questions the legitimacy of the limitations they face in their everyday lives and imagines other futures for their lives and opportunities for more inclusive migration policies in Europe. This transforms the melancholia felt for the unattainable dream the research participants feel into a form of, as Khanna notes, *critical agency* as one becomes so critical of what one lost, that one realises that the dream was a dream all along (Khanna, 2003). The dream remains for rejected asylum seekers, but it simultaneously provokes a realisation of the causes of their precarious situation

and opens an opportunity to imagine new futures for their lives. This critical agency motivates them to struggle to improve their situation.

As Lisa sees it, asylum seekers are treated unjustly in the Netherlands as they are welcomed to the country and granted permission to ask for asylum only to later be refused. She describes the feeling of disillusionment as people come to seek asylum trusting they will be safe only to be rejected and, as in her case, thrown in detention after a few months. During the interview, Lisa re-told a conversation she had with the DT&V:

They told me I have to go back home. I told them to suppress asylum in your country, so that nobody will come to your country to bother you. (Lisa through an interpreter)

Milan gave a personal account of how he, when assessing his situation in the Netherlands, was astonished by the discrepancy between expectations he had and the situation he is faced with at the moment. He feels that his journey to Europe in search of safety has lost its foundations, as he finds himself living on the streets of the Netherlands. He compares the situation in the Netherlands to that in African countries which receive large numbers of refugees. As he sees it, these countries have far more limited resources than the Netherlands, but still do not actively force refugees to live on the streets. He argues that if Europe genuinely believes in human rights, it should not strip people of their basic rights when their asylum claims are rejected. In his account, the idea of Europe as the upholder of human rights is perceived to be in stark contrast to reality, as lack of citizenship can put people in a position where they *de facto* lack these rights.

In the discourse that *Vluchtelingen op straat* takes up to raise awareness for the problems that rejected asylum seekers face in the Netherlands their most prevalent demand is that they should be granted their basic human rights. In this way, the discourse that *Vluchtelingen op straat* produces concentrates on social rights that are viewed as things that

should be granted to everyone such as housing, food and medical care; rights necessary for survival. As Joop sees it, during the demonstrations organised by *Vluchtelingen op straat* people get a chance to ‘let their voice be heard’ as well as to show Dutch people that they are not criminals, but humans just like them, as the claim for basic human rights is evoked on the basis of sameness, a common humanity. For Joop, in contrast to the IND officials that he was inviting to step into his position during his interview in which the interviewer refused the possibility that he would ever be in a similar situation to that which Joop finds himself in, it is easy for Joop to imagine that at the moment it is him that is suffering, but that at other points in time it can be somebody else, and that this person remains entitled to her or his human rights. He feels that human suffering is not a matter of legality or illegality and he hopes that all immigrants and refugees, including him, would get a chance to build their lives in the Netherlands.

As I argued in the section ‘Representation: *speaking for* or *speaking with*’ the distinction between a citizen and a human as well as the distinction between legal and illegal are not seen as separate spheres in the discourse that the refugee self-organisation *Vluchtelingen op straat* produces. Nevertheless, the lack of these distinctions often makes their claims unintelligible to the Dutch majority, as the contemporary political organisation of Europe revolves around differentiations between these categories as the lack of citizens’ rights in contemporary Europe can become a question of survival. Thus, a demand for social rights in the Netherlands is also necessarily a question of political rights, even though *Vluchtelingen op straat* does not put claims for political entitlement to the fore. Regardless of the fact that these differentiations between groups of people are contested in the discourse of deserving refugees, I argue that their discourse is also forced into a framework that judges its intelligibility on the aforementioned grounds.

Joop thinks that at the moment Europeans genuinely hate immigrants, especially those from Islamic countries and Africa. As I argue, Joop sees himself interpellated as ‘the Other’ Europe strives to expel and exclude. He thinks that Europeans, especially people like Geert Wilders, fear they are losing their identity and want to reclaim it by refusing to take in immigrants. As he puts it:

Day after day Europe is going to be more conservative. They don’t want any other communities, they don’t want other people. (Joop)

Joop thinks the Dutch government has the power to defend their discourse, they will not simply decide to change their policies because a small number of rejected asylum seekers are protesting against it. The only opportunity he sees is if large numbers of people start voicing their discontent about the current situation. He hereby refers to what happened during the Arab Spring of 2011. He hopes that Dutch people, once they become more aware of the consequences of current migration policies, will be dissatisfied with their country’s politics. He feels Dutch people need to see the *suffering* of rejected asylum seekers in order to understand that they are humans and need to be cared for. As such, it is through the humanitarian and the trope of the suffering body that Joop forms a discourse in which he hopes that the plight of rejected asylums seekers will become *recognisable* to Dutch people.

Legitimate interlocutors

As Balibar notes, *de jure* no one is without rights. But if viewed positively, the struggle of undocumented migrants can be viewed as a resistance and refusal of violence as partial, but direct expressions of *the process of the creation of rights*. He envisages a *droit de cité*, a right to entry and residency for foreigners, either through the modification of the criteria for nationality or through a progressive extension of the political rights of all *residents*

independent of nationality, at the local, national and community-wide levels. He envisages that the formation of *droit de cité* can only result from ‘*negotiation* and from the recognition of those concerned as *legitimate interlocutors* who have the right to explain their situation, formulate demands and propose solutions’ (Balibar, 2004, 46, emphasis added).

For Balibar, *droit de cité*, and, in extension, citizenship, are not primarily granted or conceded from above but are, in an essential respect, constructed from below. As such, the actions of *Vluchtelingen op straat* reclaim the position of legitimate interlocutors for rejected asylum seekers, as they voice their demands in the Dutch public sphere. Joop speaks of the demonstrations he has been involved in organising as moments that are different from his everyday life in the sense that during these actions he feels powerful and does not have to be afraid of the police. He is safe and protected by the situation as well as by the number of people who also make him more aware of the magnitude of the problem. These actions work to form a group of *inclusion* within an everyday life that is often marked by *exclusion*. As is generally the case, the power to decide how these actions yield results lies with the government’s policies. As Joop states, it is frustrating for the people participating in these actions that the results are often very limited. As Jasmijn explains, they also do not get much support from Dutch people or other migrants who have been granted a residence permit. As such, reversing the material effects of the discourse on migrant illegality by the discourse produced by rejected asylum seekers themselves proves challenging as *there remains an order of discourse in the field of discursivity dominated by the discourse on migrant illegality*. Nevertheless, this discourse can open opportunities for negotiation and give rejected asylum seekers an opportunity to be the *legitimate interlocutors of their own situation*.

Representing rejected asylum seekers as a group (thereby providing a group identity) works as an extension of individual identity formation. As group identities can be powerful motivators for social change, the question of who speaks for whom in these

processes is of primary importance. It is necessary to pay attention to who can gain access to public debate in the Netherlands and how negotiations and claims are made as many of the participants in *Vluchtelingen op straat*'s actions have a very limited access to formulating these claims as they do not speak Dutch or English and have a modest educational background. These factors hamper their opportunities to be informed about their own situation as well as the social and political environment that causes it. As such, I conclude that there is much work to be done to arrive at a situation in which the differences within the group could be made visible, a situation in which the people representing rejected asylum seekers would be *speaking to them* rather than *speaking for them*. So that female rejected asylum seekers in particular, who often have a disadvantaged position due to their gender position in society, their linguistic ability and their educational background, would be able to gain their own voice as partners in negotiating and formulating their demands. These differences are apparent in how Joop has a clearly different way of speaking about *Vluchtelingen op straat*'s activities than the women I interviewed who also took part in these activities. Joop speaks of these actions as moments that connect to other demonstrations and aim to influence public opinion and views himself as a representative of the demands of a larger group that he represents. For the women concerned the motivation was primarily their *personal suffering* in which they did not see themselves mainly as interlocutors of a political claim, but above all as individuals seeking protection. Jasmijn told me about her participation in a refugee tent camp organised outside the gates of the Ter Apel AZC. She explained that she did not know about the action beforehand, but heard that it was happening from other rejected asylum seekers that were facing homelessness at that time. Her motivation to go to Ter Apel was mainly to be allowed back into the AZC which is familiar to her (as discussed in the section 'The *Camp* and the *Polis*'). She felt that camping outside the reception centre was no different than the conditions in the streets, but at least there was a possibility that she would be let back in. For her, the act

of going to Ter Apel was very tangible as she explained how she saw the motivation for the action:

We will campaign and live here for a long time cause nobody has shelter and it is very cold, so we want to live in here...in front of Ter Apel or ...[a city in the Netherlands] is the same because *op straat* (in the streets) is *op straat*. That idea was like that. (Jasmijn)

Following Balibar, I argue that in the current situation in which the discourse on migrant illegality is the dominant discourse through which rejected asylum seekers are discussed, a form of citizenship that takes *inclusion* as its guideline is a crucial element for advances in citizenship. Balibar outlines two forms of citizenship as he states:

One is both authoritarian and abstract. It can claim to advance objectives of social transformation and equality, but in the final analysis it always limits itself to the statist axiom 'the law is the law', which presumes the omniscience of the administration and the illegitimacy of conflict. The other attempts to form a concrete articulation of the rights of man and the rights of citizen, of responsibility and militant commitment. It knows that the historical advances of citizenship have always passed by way of struggles. In the past it has not only been necessary to make 'a part of those who are not part' but truly to force open the gates of the city, and thus to redefine it in a dialectic of conflicts and solidarities. (Balibar, 2004, 50)

In this formulation of citizenship, the rejected asylum seekers formulating their own position as deserving refugees, evoking a notion of sameness based on a common humanity, can work to, as Balibar says, *force open the gates of the city*, remaining attentive to the differences within this group identity. The recognition of rejected asylum seekers as *citizens* is not the primary demand evoked in the discourse of deserving refugees as they strive foremostly to be recognised as *humans*. But as those who are denied citizenship in contemporary Europe are, to a large extent, also excluded from the material conditions of life and the recognition of their

human dignity, the demand for the right to have rights is necessarily a question of who will be included as well as excluded from the *polis*.

As shown in this chapter, the research participants assign meaning to their experiences mainly through the notion of the refugee. This is apparent in the way the research participants describe their lives at the asylum seekers' centres and their subsequent expulsion therefrom. Their stay at the asylum seekers' centres and detention centres, *the camp*, initiates a state of exception that extends to the *polis*, the cities of the Netherlands, as the life in the *polis* is defined as the political existence of a citizen, a subject position that is unattainable for the research participants as their existence is marked by exclusion from political rights as well as welfare provisions. The research participants' self-identification as deserving refugees provokes a strong sense of disidentification with the subject position assigned to them by the discourse on migrant illegality.

Rejected asylum seekers are not only disqualified from citizenship in the Netherlands but are actively qualified as stateless. This experience of statelessness becomes intertwined with *de facto* homelessness in their lives. The situation of homelessness is a materialisation of the discourse on migrant illegality that provokes an intensification of the precariousness of the research participants' lives, as it is a form of deprivation of one's social rights that places them in a highly vulnerable situation in society as they, often, literally brave the streets of the Netherlands. The intertwining of statelessness and homelessness as well as how the state of exception initiated in *the camp* extending to *the polis* demonstrates how in contemporary Europe the political, one's citizens' rights, and social, one's possibilities for survival, are necessarily intertwined.

The lived bodies of the research participants becomes the locations of politics as they are confined within the Dutch nation state remaining nevertheless its interiorised outside. The bodily effects of the discourse on migrant illegality are marked by struggling to maintain

one's sanity and physical wellbeing in a situation in which the will to be the active agent of one's life encounters obstacles. The research participants construct their discourse on the basis of *sameness*. As they are human beings like any other, they want to experience what they refer to as *normal life*. This discourse, provided by the rejected asylum seekers, evokes *compassion* to counter the politics of *repression* meted out to them. As noted in this chapter, identification with rejected asylum seekers is often a response to their humanitarian plight in which it is their suffering body that opens up the possibility of recognising them as deserving protection. This discourse of compassion revolves around the figure of the victim, a subject position that is in particular assigned to the female research participants. As I argue, instead of enforcing the figure of the victim as the main motivator of the identification with the research participants and thus an ethical response to their situation, a compassionate encounter is necessary which pays due attention to their agency.

There is a potential for disrupting the dominant discourse on migrant illegality and the subject position to which rejected asylum seekers are assigned in the discourse of deserving refugees. This discourse creates a group of inclusion in which the research participants can restore their sense of humanity. It is also a discourse of survival that questions the legitimacy of the limitations rejected asylum seekers face in their everyday lives and in which an encounter can be created between the ones holding the subject position of a *citizen* and the ones that are assigned the subject position of an *illegal immigrant*. This can enable an encounter in which the research participants have the opportunity to be the legitimate interlocutors of their own situation.

Conclusion

The intertwined relationship between the using of discourses and the workings of power is clearly demonstrated by the discourse on migrant illegality. This discourse is built around the notion of *otherness*, as the fears of what unhampered immigration into the Netherlands would cause is the rhetoric used in which rejected asylum seekers and other undocumented immigrants are interpellated as cultural as well as ethnic Others instead of rights-holding subjects. Furthermore, the creation of common European borders has contributed to the creation of common European citizenship that excludes anyone that comes from an extra-communitarian area.

The government policies implemented in the Netherlands since the beginning of 1990s have restricted undocumented immigrants' access to welfare state provisions as there is now a link between the lawfulness of their residence in the Netherlands and the extent to which claims can be made by them with regard to these provisions. The locus of immigration policies has shifted from the traditional gatekeepers such as the IND and the Aliens Police to organisations whose primary mandate is to provide social services. As such, Dutch welfare policies, projects of 'universal social protection', have started to serve as a dividing line between nationals and non-nationals as they have been converted into criteria of exclusion when it comes to undocumented immigrants. Using this 'discouragement policy' is assumed to make rejected asylum seekers and other undocumented migrants eventually voluntarily leave the country or be expelled involuntarily.

The discourse on migrant illegality creates a state of exception around the body of rejected asylum seekers. This state of exception initiated in the *camp*, the asylum seekers' centres and the detention centres, is extended to the *polis*, the cities of the Netherlands. The research participants subsequently experience an almost complete exclusion from what they describe as *normal life* as they become the interiorised outside of the *polis*.

Rejected asylum seekers are not only disqualified from citizenship in the Netherlands, but are actively qualified as stateless, as return to one's country of origin is often considered an option that presents fewer opportunities for survival than remaining in the country undocumented. This political statelessness translates into *de facto* homelessness for the research participants, demonstrating how the political and the social are necessarily intertwined. The subject position of a homeless person as well as an illegal immigrant, produced by the discourse on migrant illegality, is to a large extent unrecognisable to those involved. This subject position and the everyday reality it entails provoke a strong sense of precariousness in the research participants' lives, as they feel intense insecurity when it comes to their futures as well as their everyday survival.

The discourse on migrant illegality is not only contested by the rejected asylum seekers themselves, but the human consequences of these policies also motivate society to challenge this discourse as well as to provide rejected asylum seekers and other undocumented immigrants with assistance that according to the government policy should not be granted to them. The discourse of compassion visible in societal responses from municipalities, non-governmental organisations and private individuals is based on identification and as a result an ethical response towards rejected asylum seekers and other undocumented immigrants. It is a discourse that provokes a feeling of sameness based on a common humanity. As such, the moral economy of contemporary policies on immigration is created around tensions between the discourses and the practices of compassion and repression.

In the discourse on migrant illegality men are depicted as in control while women are portrayed as dependent victims. These assumptions, based on gender, position men and women differently. The discourse on victimhood can benefit women as they are considered an exceptionally vulnerable group, but it also limits the discursive and material

opportunities through which women can claim the position of a *deserving refugee*. It is first and foremostly through the *suffering body* and the humanitarian threat to their lives that women can become *recognisable* as deserving protection. Nevertheless, the subject position of a victim stops the female research participants from remaining active agents in their own lives. There is a strong discrepancy between the major step of leaving one's country of origin to seek a more secure future without political and humanitarian difficulties often intertwined with economic hardship, and the limitations placed on one's opportunities in the Netherlands, where protection can only be claimed based on one's vulnerability.

The experiences of people that lack documents that would grant them citizens' rights is that these papers are often necessary for *survival* in Europe. The connections between whiteness and European territory are underlined as the European space forms a supra-national space that is nevertheless tied to a notion of whiteness as a defining factor in the imagined organisation of this space. The struggle to orientate oneself without the status of a citizen often evokes *borders* in everyday life. The research participants experience a sense of disorientation in the Netherlands as they feel stuck in the situation they are in. This has strong bodily effects as their will to be in charge of their own lives is hampered by the position in which they reside, in which insecurity, sadness and hopelessness are effects that are frequently provoked by their precarious existence in Europe. The dream of escaping your problems in Europe and getting the chance to build a new life that the research participants have is a dream that was essentially never possible. It has always remained more of a fantasy than being part of migrant reality in Europe. Nevertheless it remains haunting in the imaginary that the research participants have of their imagined futures, contrasting sharply with their lived realities resulting in a feeling of melancholia, a sense of internalised mourning in which the phantasmatic nature of what was lost cannot be captured.

The research participants produce a discourse of themselves as deserving refugees by advocating a sense of common humanity. This provides an alternative subject position to the one assigned to them within the discourse on migrant illegality, a subject position from which they have the opportunity to *talk back* to the dominant discourse as the feeling of melancholia is transformed into a form of *critical agency*. It creates *inclusion* in a group in which people can restore their sense of humanity, as well as a discourse of *survival*, in which the legitimacy of the limitations that they face in their everyday lives is questioned and other futures for their lives and options for more inclusive migration policies in Europe are imagined. This discourse of deserving refugees provides this group with the opportunity to be the legitimate interlocutors of their own situation.

An enforcement of the discourse of compassion is needed. But an enforcement that does not revolve around the figure of the victim. Instead it needs to promote the active agency of rejected asylum seekers and other undocumented immigrants in their struggle to gain recognition as rights-holding subjects. This entails *a compassionate encounter* in which both parties are considered legitimate interlocutors of their own situation. This can only be achieved if the first step, the recognition of humanity, a humanity that recognises *difference* as an integral constituent part, is created for undocumented immigrants. This is necessary as in contemporary Europe, citizenship has become a prerequisite for the right to have rights and the lack of citizenship often deprives people from material conditions required for survival. It is only then that, in the case of rejected asylum seekers, their discourse of deserving refugees can become recognisable to others not only as a discourse of the suffering body, but also as a discourse in which they are recognised as active agents in charge of their existence. As the European Union closes in on itself, we must take active steps to ensure that the process of dehumanising migrants interpellated as illegal is vigorously contested and the

disidentification of 'the face' of undocumented immigrants is revealed in its most brutal forms.

This should not entail an uncritical approach to the demanding negotiations that should be conducted in Europe concerning migration nor a neglect of the challenges that the concept of the welfare state faces today. Nevertheless, it requires a strong sense of common humanity from which people denoted as Others in the discourse on migrant illegality cannot be erased. I believe that this can only be achieved through genuine encounters with real people, encounters with the ones interpellated as the Other. In that compassionate encounter, *'the Others' become residents cohabiting the same territory*. They are seen as participating in defending and creating the right to experience one's life free of a heightened sense of precariousness, an experience that more than anything not only extends to the ones excluded from the *polis*, but also to the citizens included in it.

Abbreviations used in this study

AZC	<i>Asielzoekerscentrum</i> . Reception centres for asylum seekers in the Netherlands.
COA	<i>Centraal Orgaan opvang asielzoekers</i> . Responsible for the reception of asylum seekers. COA provides accommodation during the asylum procedure and prepares asylum seekers for staying in the Netherlands, returning to their country of origin, or transmigration.
DT&V	<i>Dienst Terugkeer en Vertrek</i> . The Repatriation and Departure Service. An implementing organisation of the Ministry of the Interior and Kingdom Relations. Directs the actual departure of aliens who are legally not entitled to reside in the Netherlands.
IND	<i>Immigratie- en Naturalisatiedienst</i> . Immigration and Naturalisation Service. A part of the Ministry of the Interior and Kingdom Relations that handles the admission of foreigners in the Netherlands. The IND processes all applications for asylum, family reunification, visas, and other residence permits.
STIL	<i>Stichting Lauw-Recht</i> . A Utrecht-based solidarity organisation for refugees and migrants without a residence permit.
UAF	<i>Universitair Asiel Fonds</i> . The Foundation for Refugee Students. Provides financial support to refugees and asylum seekers who plan to study in the Netherlands.
VBL	<i>Vrijheidsbeperkende Locatie</i> . A reception centre with limitations on the freedom of movement of the residents. Residents of these centres are obliged to register

with the Aliens Police each day and are not allowed to leave the municipality in which a given centre is located.

VVN *Vereniging Vluchtelingenwerk Nederland*. The Dutch Council for Refugees is an a non-governmental organisation that assists refugees during their asylum procedure and their integration in the Dutch society.

Bibliography

Abu-Lughod, Lila: *Veiled Sentiments: Honor and Poetry in a Bedouin Society*, University of California Press, 1999

Agamben, Giorgio: *Homo Sacer, Sovereign Power and Bare Life*, Stanford University Press, 1998

Ahmed, Sara: *Queer Phenomenology: Orientations, Objects, Others*, Duke University Press, 2006

Ahmed, Sara: *The Cultural Politics of Emotion*, Edinburgh University Press Ltd, Great Britain, 2004

Andreotti, Vanessa: 'An Ethical Engagement with the Other: Spivak's ideas on Education' in *Critical Literacy: Theories and Practices* vol. 1 no.1, pp. 69-79, July 2007

Arendt, Hannah: *The Origins of Totalitarianism*, A Harvest Book, Harvourt Inc, 1976

Balibar, Etienne: 'At the Borders of Citizenship: A Democracy in Translation?' *European Journal of Social Theory*, vol. 13 no. 3, pp. 315-322, August 2010

Balibar, Etienne: *We, the People of Europe*, Princeton University Press, 2004

Bauman, Zygmunt: *Collateral Damage: Social Inequalities in a Global Age*, Polity Press, United Kingdom, 2011

Bauman, Zygmunt: *Globalization: The Human Consequences*, Polity Press, United Kingdom, 1998

Bourdieu, Pierre: 'Physical Space, Social Space and Habitus', a lecture held in Institutt for sosiologi og samfunnsgeografi, Universitetet I Oslo in 1995. Accesses online:

<http://folksonomy.co/?permalink=1429>, last visited 8.7.2012

Braidotti, Rosi, Charles Esche and Maria Hlavajova: *Citizens and Subjects: The Netherlands, for example*, Dutch Pavillion 52nd International Art Exhibition La Biennale di Venezia, 2007

Braidotti, Rosi: *Transpositions: On Nomadic Ethics*. Polity Press, Cambridge/Malden, 2006

Buch, Elana D. and Karen M. Staller: 'The Feminist Practice of Ethnography' in *Feminist Research Practice: A Primer*, Sage Publications, London, 2007

Butler, Judith, Gayatri Chakravorty Spivak: *Who Signs the Nation State? Language, Politics, Belonging*, Seagull Books, London, 2007

Butler, Judith: *Precarious Life: The Powers of Mourning and Violence*, Verso, London/New York, 2004

Butler, Judith: *Excitable Speech: The Politics of the Performative*, Routledge, London/New York, 1997

De Vault, Marjorie and Glenda Gross: 'Feminist Interviewing: Experience, Talk and Knowledge' in *Handbook of Feminist Research Practice* edit. Sharlene Nagy Hesse-Biber, Sage Publications, London, 2007

Fassin, Didier: 'Compassion and Repression: The Moral Economy of Immigration Policies in France' in *Cultural Anthropology*, Vol 20, no. 3, pp. 362-387, 2005

Farrugia, David: 'The Symbolic Burden of Homelessness: Towards a Theory of Youth Homelessness as Embodied Subjectivity' in *Journal of Sociology*, Volume 47, issue 1, pp. 71-87, March 2011

Flynn, Don and Frank Düvell: 'Undocumented Migrants – Symptom, Not the Problem', a PICUM policy brief, Belgium, 2007, accessed online:

http://picum.org/picum.org/uploads/publication/Undocumented_Migrants_Symptom_Not_The_Problem.pdf, last visited 22.4.2012

Foucault, Michel: *The Archeology of Knowledge*, Routledge, London/New York, 2011 (1969)

Foucault, Michel: *The History of Sexuality: An Introduction, Vol.1*, Vintage Books, New York, 1990 (1976)

Foucault, Michel: 'The Order of Discourse' in *Untying the Text: A Post-Structuralist Reader*, edited by Rober Young, Routledge & Kegan Paul Ltd, London, 1981

Goffman, Erving: *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Penguing Books, London, 1980 (1961)

Hall, Stuart: 'Introduction' and 'The Work of Representation' in *Representation* edit. Stuart Hall, Sage Publications, London, pp.1-74, 2003

Hook, Derek: 'Discourse, knowledge, materiality, history : Foucault and discourse analysis' [online]. London: LSE Research Online, 2001, Accessed online: <http://eprints.lse.ac.uk/archive/956>, last visited 20.4.2012

Haraway, Donna: 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective', in *Feminist Studies*, Vol 14 no. 3, pp. 575-599, autumn, 1988

Johnson, Corey and Reece Jones, Anssi Paasi, Louise Amoore, Alison Mountz, Mark Stalter and Chris Rumford: 'Interventions on rethinking 'the border' in border studies', *Political Geography* Vol. 30, pp.61-69, 2011

Jørgensen, Marianne and Louise Phillips: *Discourse Analysis as Theory and Method*, SAGE Publications, London, 2002

Kapoor, Ilan: 'Hyper-self-reflexive development? Spivak on representing the Third World "Other"' in *Third World Quarterly* vol. 25, no. 4, pp. 627-647, 2004

Khanna, Ranjana: *Dark Continents: Psychoanalysis and Colonialism*, Duke University Press, 2003

Kox, Mieke: *Het Leven Gaat Door: een onderzoek naar de effecten van het illegalenbeleid op het leven van uitgeprocedeerde asielzoekers in Utrecht*, Stichting LOS Utrecht, 2011

Krebbers, Erik: 'The politics of collective and individual support', in *De Fabel van de illegaal 50/51*, spring 2002, accessed online: <http://www.doorbraak.eu/gebladerte/30119v01.htm>, last visited 29.4.2012

Laclau, Ernesto and Chantal Mouffe: *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, 2nd Edition, Verso, London/New York, 2001

Marlou Schrover, Joanne Van der Leun, Leo Lucassen and Chris Quispel: 'Introduction: Illegal migration and gender in a global and historical perspective' in *Illegal migration and gender in a global and historical perspective*. Amsterdam University Press, Amsterdam, 2008

Luibhéid, Eithne: *Entry Denied: Controlling Sexuality at the Border*, University of Minnesota Press, 2002

Noll, Gregor: 'Formalism v. Empiricism: Some Reflections on the Dublin Convention on the Occasion of Recent European Case Law', *Nordic Journal of International Law* 70, pp. 161-182, 2001, accessed online: <http://heinonline.org> last visited 2.2.2012

Parker, Stephen and Rodney Fopp: ' "I'm the Slice of Pie that's Ostracised ..." .

Foucault's Technologies, and Personal Agency, in the Voice of Women who are Homeless' *Adelaide, South Australia, Housing, Theory and Society*, Vol. 21 no. 4, pp.145-154, 2004

PICUM: *Book of Solidarity Vol.1*, De Wrikker, Antwerp, 2002, accessed online:

http://picum.org/picum.org/uploads/publication/Book%20of%20Solidarity%20VOL%201_1.pdf, last visited 29.4.2012

- Rabinow, Paul: 'Friendship and Fieldwork in Morocco' in: *Ethnographic Fieldwork: An Anthropological Reader*, Blackwell Publishing, Pp.447-454, 2007 (1977)
- Rich, Adrienne: 'Notes toward a Politics of Location' in *Blood, Bread and Poetry: Selected Prose 1979-1985*, Virago Press, London, 1987
- Rosello, Mireille: 'Rudimentariness as Home' in *A Companion to Comparative Literature*, Blackwell Publishin, Oxford, 2011
- Sardar, Ziauddin: 'Foreword to the 2008 edition' in Franz Fanon: *Black Skin, White Mask*, Pluto Press, United Kingdom, 2008
- Scott, Joan W: 'The Evidence of Experience' In *Critical Inquiry*, Vol. 17, no. 4, pp. 773-797, Summer 1991
- Hesse-Biber Nagy, Sharlene and Patricia Lina Leavy: *Feminist Research Practice – A Primer*, Sage Publications, California, 2007
- Schrover, Marlou, Joanne Van der Leun, Leo Lucassen and Chris Quispel: 'Introduction: Illegal migration and gender in a global and historical perspective' in *Illegal migration and gender in a global and historical perspective*. Amsterdam University Press, Amsterdam, 2008
- Spivak, Gayatri Chakravorty: *The Post-Colonial Critic: Interviews, Strategies, and Dialogues*, Routledge, 1990
- Spivak, Gayatri Chakravorty: 'Can the Subaltern Speak?', *Marxism and the Interpretation of Culture*, Urbana, 1988
- Touzenis, Kristina and Lisa Tousek: 'Irregular Migrants' Access to Economic and Social Rights in the Country of Destination and in Origin: Particular Focus on the Netherlands', a discussion paper for a workshop in the Conference Acces Denied: Working on a New Paradigm in Vrije Universiteit Amsterdam, 13-14.3.2012, accessed online:

http://www.rechten.vu.nl/nl/Images/Paper%20workshop%20F%20afternoon%20Lisa%20Tousek%20and%20Kristina%20Touzenis_tcm22-259576.pdf last visited 28.3.2012

Young, Iris Marion: 'Lived Body Vs Gender: Reflections on Social Structure and Subjectivity' in *Ratio* Vol 15, no. 4, pp. 410–428, Blackwell Publishers, 2002

Van Eijl, Corrie: 'Tracing back "illegal aliens" in the Netherlands, 1850-1940' in *Illegal migration and gender in a global and historical perspective*. Amsterdam University Press, Amsterdam, 2008

Van der Horst, Hilje: 'Living in a Reception Centre: The Search for Home in an Institutional Setting', *Housing, Theory and Society*, Vol 21, no. 1, pp. 36-46, 2004

Van der Leun, Joanne and Maria Ilies: 'Undocumented Migration: Counting the Uncountable. Data and Trends across Europe, Country report prepared for the research project CLANDESTINO, 2008, accessed online:

https://openaccess.leidenuniv.nl/bitstream/handle/1887/13505/Netherlands_CountryReport_Clandestino_Feb09.pdf?sequence=2, last visited: 28.4.2012

Van der Leun, Joanne: *Looking for Loopholes - Processes of Incorporation of Illegal Immigrants in the Netherlands*, Amsterdam University Press, Amsterdam, 2003

Van Parys, Rebecca and Nele Verbuggen: *Report on the Housing Situation of Undocumented Migrants in Six European Countries: Austria, Belgium, Germany, Italy, the Netherlands and Spain*, PICUM, Belgium, 2004

Whitaker, Robin: 'The Politics of Friendship in Feminist Anthropology', *Anthropology in Action*, Vol 18, no. 1, pp. 56-66, Spring 2011