

Mobility Rules. Migrants and Drifters Fare Well (?) in Post-Welfare Europe

Veronika Nagy & Brenda Oude Breuil

1 Amuse-gueules¹

Whereas the integration of migrants might still have been an ambition in European societies in the 1980s, nowadays it has been replaced by strategies of social exclusion and targeted surveillance. Politicians in countries such as France and the UK employ muscled discourse presenting (certain groups of) migrants as threatening ‘Others’ and profiteers. For those migrants who cannot be expelled from the national territory, the welfare state has given way to a system of ‘workfare’, where individual responsibility takes precedence over government support.² A look at the following ‘bite size’ fragments illustrates this late modern European reality.

On the menu in Sheffield (UK):

‘David Blunkett, the former Labour home secretary and Sheffield MP, told his local BBC radio station that he feared there might be disturbances in the city unless there was a change in the behaviour of the Roma community, who are mainly from Slovakia. (...) Blunkett had said the Roma groups from Slovakia who had settled in a district of Sheffield were behaving like they were living in a “downtrodden village or woodland”. “We’ve got to be tough and robust in saying to people you are not in a downtrodden village or woodland, because many of them don’t even live in areas where there are toilets or refuse collection facilities,” he said.’³

... and in Marseille (France):

1 ‘Amuse-gueule’ is French popular language for the more chic culinary term ‘amuse-bouche’, referring to bite-size appetizers. Etymologically, it derives from ‘amuser’ (to enjoy) and ‘bouche’ (the mouth), allowing us to also (cynically) refer to the ‘enjoyable’ language of politicians describing the groups presented in this contribution.

2 Wacquant, 2010, p. 197-220.

3 *The Guardian* 14 November 2013, www.theguardian.com/uk-news/2013/nov/14/nick-clegg-roma-community-sheffield-migrants-britain, retrieved at 23 March 2015.

‘(...) they have no eligibility at all to remain on the territory. Furthermore, unlike an undocumented migrant who has become lawfully resident, these young people [whose claim of minority cannot be confirmed by the authorities] not only defraud the Aliens Act, they con the community on behalf of a quality [e.g. minority] that is not theirs. They are criminals.’⁴

‘France can only remain generous if those who are here in violation of our rights and our laws are returned home.’⁵

2 Apéritive: mobility rules

Late modern Western European societies are confronted with ephemeral and volatile ‘swarms’ of unwanted Others entering and reshaping their *ethnoscapes*.⁶ Physical mobility is possible through advanced transport technology, digitally we travel through the world wide web and social media, and imaginatively we are dragged by media-induced seductions of greener pastures and possible other lives to lead. Mobility has become the primary stratifying factor, and the ‘have’ and ‘have-not’ divide is primarily drawn between those who can freely travel, and those stuck in deprived corners of the world – or *involuntarily* moved by the lack of possibilities to build a decent life ‘at home’.⁷

However, as the snapshots at the beginning of this contribution illustrate, this mobility cohabitates problematically with our contemporary felt need for security. Scholars like Ulrich Beck,⁸ Anthony Giddens,⁹ and Jock Young¹⁰ have convincingly argued that ours is a time of continuous awareness of (global) risks and accompanying feelings of ontological insecurity, induced by instable labour market realities, multicultural societies with diversified values, and hysterical media representations. This late modern insecurity results in a society diagnosed with ‘social bulimia’ – culturally ‘swallowing’ whole populations of newcomers, and simultaneously ‘vomiting up’ these threatening ‘others’ whom we (believe we should) vehemently fear.

In this contribution we will illustrate this bulimia and the way it translates into bureaucratic selection practices for acquiring government support. We will do so by presenting case studies on two rather different groups of people whose lives in Europe are characterised by mobility, poverty and social exclusion:

4 Vice-procurer of the tribunal of Lyon, in: Burlet, 12 May 2014 (our translation).

5 Sarkozy in: Marthaler, 2009, p. 75.

6 ‘Ethnoscapes’ refer to the ever changing ‘landscape’ (as a perspectival construct) of ‘ethnos’ or people(s). See: Appadurai, 1996, p. 27-47.

7 E.g. Bauman, 1998.

8 Beck, 1992.

9 Giddens, 1998.

10 Young, 1999.

Roma groups in the United Kingdom¹¹ and young Maghrebi migrant boys¹² in France.¹³ After the last EU enlargement an increasing number of Central European Roma migrants were trying to escape the worsening economic situation and discriminatory practices of their home country. In the hope of a better life many Roma moved towards Western member states where they hoped to be treated as equal European citizens. However, most of them face several barriers to settling in the host country, consciously elevated by governments through social policies. The boys in our second case study come from countries which do not belong to the (enlarged) EU; their journey started in impoverished neighbourhoods in Tunisia, Algeria, Morocco and other countries. However, upon their arrival in Marseille they, too, are not illegal, due to their minority. As France has signed international and European conventions on the rights of children, it is bound to protect these unaccompanied minors.

Although the reasons of the threat these two groups are assumed to pose to their 'host societies' might be different – ethnicity and culture playing first violin in the case of the Roma, whereas age is an additional 'othering' element for the Maghrebi boys – their comparison can be insightful as it lays bare the tools and tokens of contemporary Western European strategies of social exclusion. Whereas a great deal has been written on migration and exclusion, more particularly on how nation-states protect their borders against the movements of 'undesired' (illegal) migrants, little theoretical work has been done so far on the dynamics of *intrastate* exclusionary practices directed towards people *legally* residing (or roaming) within a nation-state's borders. Whereas Roma legally 'belong' to Europe as ethnic minorities and EU nationals, unaccompanied minors do so because Western European countries have vowed to protect them when on their territories. This contribution further aims to advance existing knowledge by looking not only at the *disciplinary and exclusionary measures* bestowed upon these groups, but at their *active and innovative strategies* to deal with these, as well.

In the next section we will go into the public and political discourse represented in the media in order to sketch the securitising narratives figuring Roma migrants and Maghrebi undocumented minors in the UK and France. We then focus on the role of the bureaucratic and administrative welfare apparatus and on selection measures exerted within these structures. We will discuss contemporary social sorting techniques of 'dataveillance', and medical technology as a means to retrieve 'objective' personal data. The last section

11 Data collected by Veronika Nagy as part of a PhD research based on multi-sited ethnographic fieldwork with Roma migrants in different EU countries. See: www.dcg.eu/en/candidate-life-alumni/phd-projects/veronika-nagy/.

12 The age group is between 11 to 18 years.

13 Data collected by Brenda C. Oude Breuil during ethnographic fieldwork in Marseille in 2008, as part of being an expert in a European Commission-funded research on unaccompanied minors, see: <http://efus.eu/en/topics/people/migrants-minorities/efus/259/>. The case was followed up on occasional fieldwork visits until 2011.

presents some examples of innovative strategies employed to deal with these disciplinary measures. In the final section we discuss the implications of these case studies. This study on mobility and surveillance follows the ethnographic tradition of the Utrecht School not only in its methodology but also in its subject of migration. As part of the ‘interdisciplinary exercise’, described in the chapter by Bovenkerk, this contribution to cultural criminology raises new dilemmas about the control of mobility and cultural diversity in Europe.

3 Entrée: security and the representation of (un)deserving ‘denizens’¹⁴

In the above described climate of the increasing mobility of jeopardised groups and the ontological anxiety of host societies a new pattern of *securitization* takes form in Europe. Securitization refers to a political discursive process in which circumstances and events in our societies are unequivocally framed in terms of security, or, rather: the minimisation of risks and the wish to protect ourselves from *insecurity*.¹⁵ National governments are called upon to provide security for their citizens, and politicians succumb *en masse* to the public’s call for more punitive measures against those who do not fit the national ideology or (assumedly) pose a threat to Western European privileges – a trend captured in the concept of ‘penal populism’.¹⁶ But the mechanism works both ways: not only does the public look to the government to provide for its security, simultaneously ‘security has become the master narrative through which the state *shapes our lives and imaginations* ... producing and organizing subjects in a way that is always already predisposed towards the exercise of violence in defence of the established order’.¹⁷

This includes defining – however veiled and unconscious – the kind of citizen states ideally envision and are willing to financially and socially support. Although the European Union aims to be an Area of Freedom, Security and Justice for *all* legally present on a member state’s territory, in practice the principles turn out to be exclusionist. They prioritise a *certain kind* of European citizen – with those not perceived as ‘desired’ and ‘deserving’ pulling the shortest straw. These unwanted Others may experience what Giorgio Agamben coined a ‘state of exception’,¹⁸ their behaviour is being criminalized¹⁹ and

14 An ‘entrée’ on a French menu refers to a ‘starter’. In popular language it is also the expression to welcome someone to one’s house. The subheading is thus a wink to the ‘welcoming’ language in the political discourse.

15 On the one-sided negative understanding and framing of ‘security’ and the limitations of this conceptualization, see: Schuilenburg, Van Steden & Oude Breuil, 2014.

16 Aas, 2007.

17 Neocleous, 2008.

18 Agamben, 2005.

19 The governing of migration through penal logics and measures is generally referred to as ‘cimmigration’; see: Stumpf, 2006, p. 367.

they are treated as human waste.²⁰ This is accompanied and legitimised by a particular public discourse, called a ‘speech act of threat’.²¹ Generally, in speech acts of threat, ‘national security’ is invoked to legitimise the use of force or other extraordinary actions, and to mobilise resources and exercise special powers that would otherwise be unacceptable for domestic and international audiences. A phenomenon is thus securitised when it is ‘presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure (...) The issue becomes a security issue – not necessarily because a real existential threat exists, but because the issue is presented as such a threat’.²²

Usually the process of securitization conforms to a particular rhetorical structure in which a social problem is equated with state survival, and then given priority of action, ‘because if the problem is not handled now it will be too late, and we will not exist to remedy our failure’.²³ From the political discourse in our case studies we can deduce two dominant ‘tropes’: one presenting (legal) migrants as criminals or unruly youngsters, a threat to *public* order and feelings of security in *physical* space; and one picturing them as manipulative, fraudulent, ‘smartass’ crooks who threaten *bureaucratic* order in *digital* space.

Let us first take a look across the Channel. In the UK we have observed an increasing tendency of stereotyping media reports and hardline views by local and national politicians concerning Roma communities in their respective towns.²⁴ News headlines like ‘The Roma gypsy who sparked a crackdown on benefit tourism’ or ‘Benefit tourism is a “Roma problem”’²⁵ aided the public association of East European migrants, particularly ethnic Roma, with the abuse of the national welfare system. Due to the conservative anti-immigration politics of the Tories a growing number of exceptionalist and social exclusionary measures were introduced to ‘protect the British hardworking society’. The news items were strongly defined by selected visual methods demonising migrants and creating the social image of the ‘foreign parasite’.

The media hype of westward benefit tourism was also ‘exhibited’ in anti-immigrant advertisements for welfare fraud hotlines on billboards in the public sphere (see figure 1). After 2006 the Department for Work and Pensions delivered a national advertising campaign to deter benefit fraud through TV, radio commercials, websites, newspapers, magazine adverts, flyers, and

20 Bauman, 2004.

21 Buzon, Waever & De Wilde, 1998.

22 See note 20, Buzon et al., 1998, p. 24.

23 Ibid., p. 26.

24 *Daily Mail* 23 March 2015, www.dailymail.co.uk/news/article-2835442/The-Roma-gypsy-sparked-crackdown-benefit-tourism-Elisabeta-Dano-25-tracked-German-city-finding-centre-landmark-welfare-case.html, retrieved at 23 March 2015.

25 *BBC6* 23 March 2015, bbc6.azurewebsites.net/news/world-europe-21842317, retrieved at 23 March 2015.

billboards. According to the department, ‘the aim of the campaign is twofold – to increase anxiety among those committing or considering benefit fraud and to maintain public perception that benefit fraud is a crime and is taken seriously’.²⁶ Most of these texts link crime and migration, accusing migrants of exporting UK social benefits to their home country. The billboards and slogans create ambiguous feelings towards possible applicants for state support; notions of distrust are constructed alongside governmental incentives for profiling the bad foreign opportunist versus the good citizen who deserves state support and protection. In repeating one dominant interpretation of ethnic Roma, information is selectively (mis)used, a ‘common sense’ language is installed, and strategies of a denial of this discriminatory discourse are employed.²⁷ Roma are worldwide the most heavily criminalized ethnic group in the mass media, and they have recently been subject to the worst representations as socially unintegrated benefit tourists, beggars, an exotic but also deviant, socially insecure, inscrutable, and manipulative group.²⁸ There is a general lack of reporting on the success of Roma in host countries’ education systems or their succeeded integration strategies in many big cities. Thus, Roma are not seen as genuine members, ‘insiders’, of host societies.



Figure 1. Collage of billboard advertisements for social welfare fraud hotlines. From own archive, Nagy 2014.

26 National Audit Office Department for work and pensions, 2008, p. 44.

27 Erjavec, 2001.

28 Kavaliauskaite, 2008.

How such a negative public discourse on migration might become implemented in national laws when ‘moral entrepreneurs’ push these social constructions into the political domain is illustrated on the Continental side of the Channel, in France. The position of young Maghrebi migrants in France cannot be explained without going back to 2002. In this year the parliamentary and presidential elections took an unprecedented turn which made the extreme right-wing party Front National of Jean-Mary Le Pen book a big and unexpected electoral success. Public concerns about ‘security’ and ‘law and order’ figured prominently in these elections. Public support led Nicolas Sarkozy (at that time Minister for the Interior) to table the Domestic Security Bill.²⁹ The Bill was explicitly introduced to address French citizens’ feelings of insecurity by criminalising several sorts of ‘nuisance’ such as aggressive begging, assembling on the stairways of flats or soliciting.³⁰ Although in principle ‘nuisance’ could imply native Frenchmen, in reality migrants were particularly targeted. The Bill ‘is intimately connected with the control of immigration.’³¹ Sarkozy installed two new immigration policies, one of them stipulating annual targets for the expulsion of undocumented migrants (put at 25,000 people yearly),³² which once in office as President, he doubled. Moreover, he limited the possibility for unaccompanied minors to acquire French nationality. Whereas before the Bill, this option was open to every unaccompanied minor inserted in programmes of the Social Child Care (*Aide sociale à l’enfance*, ASE) when turning eighteen, after 2003 it was limited to those under the ASE’s tutelage for three years (and thus they should have entered France before the age of fifteen).³³

Criminalizing measures targeting undocumented migrants generally passed with overwhelming public support. According to Malecki, ‘the attitude in France towards immigrants has become increasingly negative over time, with discriminatory language becoming a national norm in immigration discourse’.³⁴ Such discriminatory language is not new, as we can see in Chirac’s infamous 1991 expression of solidarity with French working-class families, in which he referred to ‘the noise and smell’ associated with migrants.³⁵ Over ten years later, Sarkozy publicly coined young migrants from unruly banlieus ‘racaille’ or ‘rabble’. Marthaler concludes: ‘His reference to youths in another troubled suburb in October 2005, as racailles (...), provoked the hostility of young

29 Law no. 2003-239 of 18 March 2003 for internal security, JORF no. 66 of 19 March 2003 p. 4761.

30 Allwood, 2004.

31 *Ibid.*, p. 151.

32 The other policy aimed at limiting the number of asylum seekers admitted. See: Malecki, 2014 and Marthaler, 2008.

33 See: *Le Monde* 23 March 2015, www.lemonde.fr/societe/article/2005/05/30/une-circulaire-autorise-l-attribution-de-titres-de-sejour-aux-mieux-inseres_656018_3224.html#VxV7QwSss1z9U8yE.99, retrieved at 23 March 2015.

34 Malecki, 2014, p. 117.

35 See: fg.wikipedia.org/wiki/Le_bruit_et_1%27odeur_%28discours_de_Jacques_Chirac%29, retrieved at 20 March 2015.

immigrants in these sensitive areas but over two-thirds of the public approved of his handling of the riots.³⁶ Discriminatory and racist political language, thus, is publicly tolerated (at least), which eventually legitimized Sarkozy's anti-migrant policies which are mostly still in force today.

Although imagined as 'criminals', young Maghrebi migrants in our case study were *not* in violation of French laws in the first place. Arriving in Marseille after an often hazardous trip in boats with GPS instruments, or by hiding in the cargo spaces of large vessels, they generally found their way to city squats and the local system of the (organized) selling of contraband cigarettes, aided by long-standing ethnic networks. Although 'half of Marseille' buy their cigarettes without further thinking, the young cigarette vendors are severely socially excluded. They are 'betwixt and between' accepted social categories³⁷ and are denied the rights they should have, according to their legal status as minors. Since Sarkozy's Bill, certain forms of behaviour common to them – such as squatting or hanging around on the stairways of flats – have been criminalized, making formerly legitimate behaviour 'criminal'. Moreover, social exclusion and a lack of adequate care and protection led to forms of behaviour that were defined as 'criminal' or 'disturbing public order' all along – such as the selling of contraband cigarettes, pickpocketing and using drugs in public – but which are to them livelihood strategies within the informal economy; a direct result of socio-economic deprivation. This is a classic example of how a group of people, through public discourse and political action following from it, is constructed or invented as 'criminal', 'unruly' and 'the enemy', turning public imaginations into a self-fulfilling prophecy.

Against this background of public and political speech acts of threat, and legal and policy measures resulting therefrom, should we understand the realities of both young, (undocumented) Maghrebi migrants in France and Central and Eastern European Roma in the UK. Both groups are socially constructed as crooks and criminals, manipulative Others who are out to profit from (whatever is left of) the nation-state's social support provisions. In what now follows, we will go into how these socially constructed images are substantiated and 'hardened' in administrative practices regulating the access to such support.

36 Marthaler, 2008, p. 390.

37 For a further elaboration on their 'liminal' position in Marseille, see: Oude Breuil, 2011.

4 Hors d'oeuvres: social sorting in the late modern bureaucratic field³⁸

When migrants arrive in the host country they generally need some basic things: a house to live in, an address to receive (paper and electronic) mail, all prerequisites for opening a bank account, a job, education for the children, access to health care ... To acquire these things in a late modern, bureaucratic society is no sinecure; it requires continuous interaction with (mainly) governmental organisations³⁹ which have as their goal to separate 'deserving citizens' from 'undeserving denizens' and regulate the provision of services to the former, and the banning from the system of the latter.

In 1980 Michael Lipsky coined such organisations 'street-level bureaucracies'.⁴⁰ Selecting people for certain government services or social support through applying general rules of law to individual cases is their main *raison d'être*. He described a striking paradox in the work of employers within street-level bureaucracies: so many are the rules, laws and regulations to consider in each individual case and so narrow the timeframe that they cannot do otherwise but 'skip' or push aside some of the rules and trust their professional assessment and intuition instead. In other words, street-level bureaucrats have a substantial amount of discretionary power. If they believe, from their quick and stereotyped impression, that a client deserves a certain kind of service they can 'bend' rules, carry out extra research to find a tailored solution to the client's needs, and ignore minor infringements or omissions in the application.

In contemporary reality this system of face-to-face contact with street-level bureaucrats makes way for social sorting 'at a distance' through the use of data-processing and medical technology. The procedure to select individuals for state support (or refusing support) is now 'efficiently' managed by computerized data-processing systems in which clients themselves must enter their personal data, and medical technology 'objectively' harvests knowledge on individuals directly from their (standardized and depersonalized) bodies. We are talking here about what has been conceptualized by other scholars as 'dataveillance' and 'biometric surveillance'. Dataveillance refers to a monitoring system in which it is not the subject who is under control, but the data about him or her.⁴¹ Originally used for profiling dangerous individuals through bureaucratic

38 Hors d'oeuvre is, in French culinary practice, an extra dish between courses or before the meal. Etymologically, 'hors' means 'outside' – and originally refers (in Latin) to 'foreign' – and 'oeuvre' means 'the ordinary' – and originally, in Latin: 'work'. Thus, we herewith refer to those who are 'outside the ordinary (order)' and are perceived, moreover, as 'outside of the ordinary *working* order'. See: www.etymonline.com/index.php?term=hors+d'oeuvre, retrieved at 20 March 2015.

39 Although in late modern reality, more and more previously governmental tasks are being transferred and subcontracted to private or semi-private corporations.

40 Lipsky, 1980.

41 Clarke, 2006.

codification of individual characteristics, classified into risk categories,⁴² data collection has now moved far beyond these narrowly defined groups; it is extended to all kinds of levels of everyday life, crosses national borders, and includes combined data systems. Dataveillance contains information about groups on the move; it enables their classification, governing and sorting from a distance.⁴³ ‘Biometric surveillance’ refers to the use of personal ‘behavioural and physiological characteristics (...) to establish and authenticate identity’.⁴⁴

It has been argued that these new techniques result in more ‘neutralized’ selection procedures. The individual applying for services, after all, is no longer at the mercy of the street-level bureaucrat – who sees a racialized ‘Other’ – but is anonymized into a number, and objectified and depersonalized in medical data-harvesting as merely a(ny) body. Scanning the system for fraudulent cases happens on the basis of statistical ‘truths’, supposedly ‘neutralising’ surveillance and control into mere mathematics.⁴⁵ Whether this ‘neutralisation’ thesis is true, is a question we will come back to at the end of this section. What we first want to point out here is that the new techniques of social sorting lead, according to our observations, to four important consequences.

First of all, *getting access* to state support and services demands different knowledge and capacities now than when the state bureaucrat was still ‘on top of things’. Whereas in earlier times knowing to locate – in physical space – the building of the bureaucracy and having a minimum of social skills in order to have an informative conversation with a ‘real person’ were the main prerequisites, nowadays the digitalized system demands more technical (and language) skills. The financial surveillance⁴⁶ of legal migrants with EU citizenship by host countries implies that any migrant trying to settle in a new country has to acquire a residential address, national insurance, a bank account, a tax number and/or a personal citizen service number. Acquiring these implicates elevated language and computer skills, especially if one wants to apply for a job or register (in the UK case) for a Job Seekers Allowance. In the Roma study, we found that eligibility criteria for such allowances are continuously changing, and it is non-transparent whether and under which circumstances newcomers are entitled to benefits or tax credits. Almost every application has to be entered online, and respondents often need interpreters for interviews and to complete administrative questionnaires. As interpreters

42 Lyon, 2001.

43 Many of these databases are dated and do not represent the actual personal situation of indexed individuals. Moreover, the data collected cannot always be verified by those they identify, so individuals are ignorant of the content of the data. Furthermore, individuals never know whether they are under the scope of an ‘inspector’ or not (nor whom the ‘inspector’ is and what access to personal data he has) – hence the term ‘nonopticon’, referring to this inequality in the process of surveillance (Vaidhyanathan, 2008, p. 8).

44 Milone, 2001.

45 For the demystification of the power of numbers, see: Young, 2014.

46 Allmer, 2012.

are not being provided by the selection bureaucracy, respondents need to find their own – with the risk of being swindled or duped by ‘middlemen’.⁴⁷ Respondents referred to slow application procedures, which they described as ‘nerve killing’, ‘unpredictable’, and ‘frustrating’. Many disadvantaged Roma find that the system is created to *make them untitled for services*, in order to force them back to their home countries. They felt they are expected to be internet-literate with good language skills and local bureaucratic knowledge.⁴⁸

Secondly, the possibilities to *tailor services to the individual client* – which did happen in street-level bureaucracies of former times⁴⁹ – are limited to non-existent. Even to the contrary: if the applicant does not live up to the standardised ideal profile of the state support receiver, he or she is disqualified from state support or services. Moreover, it is difficult to complain about decisions taken or realise a change in such decisions (see also the next point on flexibility). In the case of the UK, incentives against foreign benefit claimers can be recognised in the National Habitual Residence test questions. These are questions on permanent address, income, marital status and the length of residence, which prove the length of stay and economic activity of the claimant. The test has been invented as a primer selection instrument for any benefit entitlement for EU citizens. It is a complex bureaucratic hurdle. When the procedure takes too long, claimants end up in debt and might lose a tenancy right. When they are evicted they have to start a new application according to their new address and if they do not pass the test, they will not receive a job seeker’s allowance and housing benefits. The recently introduced benefit cap,⁵⁰ and Universal Credit regulations, as well as the cut in providing legal aid make the applicant dependent upon middlemen with local knowledge of the system. Sanctions and overpayment screenings are also becoming stricter and the suspension of payments has become common, according to our respondents. As some of the interviewed employers of selection bureaucracies suggested, advisors clearly see the controversial aspects of the measures they are forced to implement:

‘If staff are chasing targets, they will themselves target the easiest [claimants], for example people with learning disabilities, or people with English as a second language. It’s the easiest way to meet those targets under pressure ... If you are a good adviser, you would actually expect to sanction less people, as

47 The increase in the role of (unofficial) ‘middlemen’, who have local connections and are willing, for a symbolic payment, to help newcomers to access bank accounts, might (and does) lead to an abuse of their position, for example: middlemen may use the personal documents of applicants for other purposes, such as online credit applications.

48 Their reflections confirm observations on the neoliberal progress of responsabilisation in social services, see, for example: Wacquant, 2010.

49 See, for example: Oude Breuil, 2005, p. 56-60.

50 There is a limit to the total amount of benefit that most people aged 16 to 64 can obtain. This is called the benefit cap. See www.gov.uk/benefit-cap, retrieved at 20 March 2015.

you will convince them of the importance of meeting the conditions to get their jobseeker's allowance.'⁵¹

Thus, there is mutual stress, a fear of unintended losses and distrust expressed by both parties in the 'selection game'. By restricting face-to-face contacts, moreover, personal confrontations are limited and clients have less space to complain. In short, migrants have a total lack of overview of (and an insight into) the preconditions for entitlement rights.

Thirdly, the contemporary selection techniques are *less flexible* than face-to-face interaction with a street-level bureaucrat – at least, if the subject does not resort to cheating with regard to his or her identity (we will go further into that in the next section). In computerised data-systems this point may be quite obvious, as we know by now that information given online can hardly ever be erased. From the Roma case study we have learned that a simple thing as changing one's nationality – for example, after having resided in the host country for ten years and having successfully applied for citizenship – can be highly problematic, the migrant administratively being time and time again mistaken for a non-citizen, with all due disadvantages. Changing a home address proved to be equally complex, with the result of missing out on important official mail and forms.

The same is true for selection techniques based on the harvesting of medical data from the body, which is illustrated by the case of an undocumented Maghrebi migrant in Marseille. When arriving in France, the 16-year old boy was retrieved by social workers who were worried about his living conditions. He resided in a dilapidated squat and used drugs to get through the day. The judge decided to place him under care and he was placed in an institution for minors (which indicates that the judge recognized that the boy was, indeed, of minor age and therefore entitled to protection). On being apprehended by the police for the illegal selling of contraband cigarettes, the procurer in the penal case, however, demanded that the boy undergo a bone x-ray to determine his age, as he did not trust his identity papers. The medical report stated that the boy's age could be eighteen years old, which led the procurer to request that the protection measure be overruled. 'The boy received an 'attestation de quitter le territoire' (in French slang: 'une quite'): a demand to leave French territory within a certain period of time.'⁵² So, although formerly – on the basis of formal identity papers and face-to-face interaction with the judge and social workers – the boy was recognized as a minor, in need of protection, medical technology was called upon to eventually define him as an adult, illegal (and criminal) migrant who could be expelled immediately. The (ab)use of this medical technology made a holistic, face-to-face profiling of the youngster

51 Interview with an employer, London, January 2014.

52 Although this case is from our own research mainly conducted in 2008, similar cases can be found in more recent newspaper articles. See, for example: Burlet, 20 May 2014.

unnecessary, and the flexible negotiation of the insecurity of a possible fraudulent identity paper impossible. The 'illegal migrant' identity preferred by the local authorities – possibly trying to live up to Sarkozy's 50,000 annual expulsion target – was forced upon the minor in a most direct way. After all, 'bones don't lie'. But they do, do they not?: this test has an estimated fault margin of 1½ years ...⁵³

A fourth and related development is the *reversed primacy of real (lived and felt) identity versus administrative, virtual identity*: in contemporary social sorting one's (constructed) virtual identity is now more 'real' (taken as the 'true you') than one's felt and socially lived identity. A look at the above case is illustrative here: the harvested medical data, supposedly 'objective' and 'unequivocal', became the decisive factor in the determination of the boy's age – and eventually his fate. We see a definitive switch here in the importance of administrative, virtual identity. In face-to-face contact with the street-level bureaucrat selection officer one's administrative identity was a representation of 'the real you', and one's main concern would be that the report he or she writes about one would best reflect one's felt, lived and presented identity. In contemporary selection techniques, however, the opposite occurs: one's felt and lived identity becomes subordinate to the medically and digitally determined bureaucratic identity.

The above described findings make for a different landscape of disciplinary power. Do we believe, to answer the question asked at the beginning of this section, that this landscape is more neutral and devoid of racialized profiling? We certainly do not! For example, in the case of the bone x-ray technology, we can safely conclude that this technology would probably have never been introduced were it not for the prejudice (or 'lived experience'?) that Maghrebi youths' identity papers are often false and do not reflect the correct age. As an official explained to an interviewed lawyer: 'Over there, in the 'bled', identity papers are untrustworthy; in those villages all children have the same date of birth, first of January, as one of the villagers will only go once a year to the city to report all children born.' Determining bone age by x-ray technology was thus a solution found to a racialized perception of a social problem. Screenings of the data-systems on fraudulent interactions, as another example, might seem 'neutral' and merely a matter of 'statistics' and 'mathematics', but as several scholars have shown, predefined parameters for such statistics are often inspired by prejudice and unverified convictions.⁵⁴

In short, the speech acts of threat described in the former section and the (racialized) folk devils figuring therein are, we would suggest, still paramount in understanding why and how such technologies and strategies are applied and how we should interpret their consequences. New methods for sorting and disciplining create a funnel of expulsion that is supposed to force unwanted

53 Adamsbaum, Chaumoitre & Panuel, 2008.

54 E.g. Young, 2004.

groups to leave ‘by choice’.⁵⁵ As the concept of ‘governing through choice’ suggests, unwanted migrants are governed through indirect sets of strategies and incentives in host societies in which migrants are expected to make the only rational choice and decide, themselves, to move on. As will be explained in the following section, many of these incentives, however, result in unexpected and innovative responses.

5 Plat de résistance: innovative strategies to fare well ... and their unintended (?) consequences⁵⁶

Recent governmental incentives towards intra-European mobility are continuously shaped by data collection on threatening populations, in particular people on the move. However, there has been little attention for those who are learning these surveillance methods and consciously anticipate in data collection to avoid social sorting practices. Those who are often targeted by profiling systems learn how to use their identity by innovative manipulation techniques. By sharing information within mobile groups’ social networks, targeted groups create (intra-group) transparency in the opaque and ever changing preconditions for accessing services. To avoid selection or exclusion, they manipulate data collection or redefine themselves according to the favoured profiles.

A most obvious way to do this is reflected in the popular, local term for undocumented minors coming from the Maghreb in Marseille: the ‘brûle-papiers’. Burning identity documents before leaving for Europe is one strategy to make one’s identity mouldable to the demands of different states’ migration policies. Another strategy exerted by undocumented migrants in Marseille, probably in response to the combined realities of the disappearance of the (street-level) selection bureaucrat (who offered some possibility to ‘negotiate’ access to services) and young migrants’ lack of knowledge of the complex local system of access to services, is the building and maintaining of close relationships with social workers, NGO employees and lawyers. These (mostly unofficial) ‘mentors’, or (non-financial) ‘sponsors’, have specialized knowledge that these youngsters lack, and are therefore of paramount importance. Vice versa, we observed that the ‘sponsors’ have an interest in sustaining these relationships, as well: firstly, because these groups’ needs are legitimizing the organizations’ existence, as well as eventual requests for government funding;

55 Aas & Bosworth, 2013.

56 ‘Plat de résistance’, in French culinary practice, refers to the main and most substantial course, which helps one to ‘resist hunger’. Etymologically, it obviously includes the term ‘resistance’. Although we do not believe the strategies hinted at in this section are best analysed through the criminological concept of resistance (see, for a discussion, Hayward & Schuilenburg, 2014) and our respondents would not define their actions as resistance, either, we do believe these strategies aim at our respondents faring well until the next *étape* of their lives’ journeys.

secondly, since some employees personally benefit from playing the superior role of the Good Samaritan. A last strategy observed in the case of young Maghrebi migrants might hardly be called a conscious strategy, and is rather (experienced by them as) a ‘no other choice scenario’: when receiving an order from the authorities to leave the country, most boys choose between continuing to live and (informally) work in France with an illegal status, or ‘moving on’ to other countries, informed, as mentioned above, by their social networks on the best (read: the most lenient, least repressive et cetera) country to go to. This results in groups of young, undocumented migrants roaming Europe, searching for work in the informal labour market.

Self-characterization as a conscious coping strategy has been described by other scholars as well. They observed how service-dependent minorities employ their personal data in the digital environment to reconfigure certain aspects of their identity in order to fulfil the neoliberal ideal that makes them entitled to certain benefits.⁵⁷ At the same time, aware of the ever present threat of stigmatization and exclusion, migrants protect their real identities with specific manoeuvres. Cases of European Roma migrants in the UK illustrate how jeopardised migrants consciously navigate between different screening instruments and develop circumventing mechanisms to avoid discipline by surveillance.

Being accustomed to profiling by local authorities, stigmatised Roma families are particularly efficient in developing their knowledge about bureaucratic data systems of host countries. Three main approaches are selected from the case study to illustrate strategies for accessing governmental support, something which is experienced as the main precondition for settling abroad. First of all, many migrants avoid or postpone registration or hide their personal data from local authorities to prevent any screening before they are able to provide the information which is required to meet the preconditions for benefit entitlements. The second common strategy is when migrants claim social aid with expired or incomplete personal data in applications for tax credits, social benefits, free school meals, and housing benefits, or claims for council houses. Similar manipulation techniques include registering fake addresses, fake marital status, sham marriages or subletting council properties. The third and most problematic method is the exploitation of another individual’s identity which occurs when migrants commodify their documents, which are then used for identity fraud. Some referred to these transactions as investments into the only commodity of marginalised poor people, attesting the market value of personal data and the hegemony of bureaucratic systems in the European Union. Participants are aware of the risks they take by selling their documents, but they are similarly aware of the limitations of international legislation.

57 Woolford & Nelund, 2013, p. 292; Engbersen & Broeders, 2011.

I rented a room in a house of 50 square metres where a family was subletting two other rooms. One of their tenants was forced to give her name for a tenancy contract for another house they were subletting too. The family slept in the kitchen. When we met in the church, they had to leave their previous tenancy, and they were scared to register at the new address since they were risking losing their benefits in the registration process. This unpaid period without housing benefits would mean that they would be evicted from the new house too, and they would be forced to move around. Finally they cheated by buying an address to register in their old borough in order to keep their benefits that also enabled them to keep their children in their old school. These children were also registered somewhere else so that the care provider could receive the tax credits and to prevent multiple occupancy on the tenancy contract. These practices were common.⁵⁸

The most exploitative strategy seems to be the practice of a so-called middleman, who sells his know-how for benefit applications, or recruits others and uses their documents for credit contracts, or tenancy agreements. Some recruiters are trafficking individuals across borders to sign some benefit claims or to open bank accounts and then send them back to their home countries. These recruiters collect information from the application processes they assist in and from experienced migrant families who successfully navigated through these bureaucratic procedures. As a continuous dynamic of control and proof, several manipulation techniques have been discovered by monitoring authorities, which made their screening mechanism more restrictive and introduced high sanctions for the misuse or abuse of personal data. This leads to new types of dependency relations, innovative data abuse and increasing visibility of exploited migrants. As long as there is such diversity in welfare aid between different EU member states, marginalised populations will try to exploit it to survive. In this case study we can safely conclude that the more these people learn about the value of their personal data, the more they are trying to use it as a commodity on the international market.

6 Digestive: to see or not to see ... Conclusion and discussion⁵⁹

In the current era of mobility we witness, according to Loïc Wacquant, changing arrangements of population control and disciplining.

⁵⁸ From the fieldwork notes of Veronika Nagy, London, December 2014.

⁵⁹ 'Digestive' in French culinary practice refers to an alcoholic drink at the end of a meal, in order to better digest the food. Etymologically it stems from the Latin 'digerere', meaning 'to separate, divide, arrange' (see: www.etymonline.com/index.php?term=digest, retrieved at 20 March 2015). In English as well as in French, it also refers to processing and assimilating knowledge, *understanding* what has been 'served'.

‘Welfare revamped as workfare and the prison stripped of its rehabilitative pretention (...) work jointly to invisibilize problem populations – by forcing them off the public aid rolls, on the one side, and holding them under lock, on the other – and eventually push them into the peripheral sectors of the booming secondary labor market.’⁶⁰

As we have shown in this contribution, we readily agree with the idea that new systems of control have been put in place. We have elaborated on techniques of dataveillance and biometric surveillance as ‘distancing’ methods, less flexible and making access to welfare provisions more difficult compared to the face-to-face contact with street-level bureaucrats of former times. This study on the changing nature of disciplining strategies of authorities follows the empirical research tradition of the Utrecht School that stresses the importance of interdisciplinary encounters. As described in the chapter by De Jong & Kelk, there is an enduring need to develop and study professional ‘encounters’ to improve the relationship between different actors in the bureaucratic field. As an invitation for future research this paper extends this field of *bureaucratic encounter* towards the digitalized space in which personal contact turned into control from a distance.

The crucial question now is: what are the consequences of these changes for the marginalized groups of our case studies? Notwithstanding being legally present in EU countries, they experience severe social exclusion, distrust and stigmatization as either criminals threatening physical public space, or profiteers and fraudsters threatening digital, bureaucratic space. The consequences for them are twofold: on the one hand, they feel excluded from and disadvantaged by procedures for accessing state support and services since ‘distancing’ technologies demand computer literacy, adequate language skills and local knowledge. On the other hand (and here we divert from Wacquant’s analysis), the distance created by contemporary dataveillance technology offers opportunities to construct and invent the identity asked for in such procedures. Not having to be present in face-to-face selection interactions allows for the manipulation of one’s identity. Whereas Wacquant ignores agency and individual action in the above quotation, we have shown that especially the Roma groups in our study, with their long tradition of dealing with bureaucratic demands of discriminatory societies, do not passively undergo the authority gaze. They have learned to manipulate surveillance systems and have found ways to orchestrate what parts of their identities authorities do and do not see.

Moreover, we do not agree with Wacquant’s one-sided analysis that these changes (only) ‘invisibilize’ these ‘problem populations’. First of all, how can we speak of ‘invisibility’ when so much information on welfare applicants is demanded in order for them to access basic services? And how would the ever expanding governmental gaze – up to an x-ray vision of migrants’ inner

60 Wacquant, 2010, p. 199.

anatomy – rhyme with making them ‘invisible’? We would thus, rather, speak of making migrants *differentially* visible. No longer are selection bureaucrats trying to see ‘the whole migrant’ within a social context, as a *living and breathing being*; they rather have a fragmented, selective picture, showing only how the individual relates to predefined and self-invented parameters of risk. Administrative identity here takes over from real lived identity; migrants are (and their lives are determined by) what these data harvesting technologies have learnt about them.

Lastly, we want to cast doubt on the question whether it is so bad to be ‘invisibilized’ ... With dataveillance technology screening for fraudulent – but survivalist – manoeuvres, Roma migrants might prefer to hide from view. And with medical technology being (ab)used to ascribe to unaccompanied migrants an identity they might not recognize themselves, it would be a far better option not to be seen ...

References

- Aas, K.F., *Globalization and Crime*, London: Sage Publications 2007.
- Aas, K.F. & M. Bosworth, *The Borders of Punishment: Migration, Citizenship and Social Exclusion*, Oxford: Oxford University Press 2013.
- Adamsbaum, C., K. Chaumoitre & M. Panuel, ‘La détermination de l’âge osseux à des fins médico-légales, que faire?’ *Journal de Radiologie* 2008, no. 89, p. 455.
- Agamben, G., *State of exception*, Chicago: The University of Chicago Press 2005.
- Allmer, T., *Towards a Critical Theory of Surveillance in Informational Capitalism*, Frankfurt am Main: Peter Lang 2012.
- Allwood, G., ‘Prostitution debates in France’, *Contemporary Politics*, 2004, no. 10, p. 145-157.
- Appadurai, A., *Modernity at Large: Cultural Dimensions of Globalization*, Minneapolis: University of Minnesota Press 1996.
- Bauman, Z., *Globalization. The Human Consequences*, Cambridge: Polity Press 1998.
- Bauman, Z., *Wasted Lives. Modernity and its Outcasts*, Cambridge: Polity Press 2004.
- Beck, U., *Risk Society: Towards a New Modernity*, New Delhi: Sage 1992.
- Burlet, L., ‘Après des tests osseux, la place d’Alkasim est-elle en prison?’ *Rue89Lyon*, 12 May 2014, www.rue89lyon.fr/2014/05/12/apres-tests-osseux-alkasim-prison/, retrieved at 23 March 2015. Our translation.
- Burlet, L., ‘Mineurs isolés étrangers: rassemblement après une nouvelle condamnation à de la prison’, *Rue89Lyon*, 20 May 2014, www.rue89lyon.fr/2014/05/20/mineurs-isoles-etrangers-rassemblement-apres-nouvelle-condamnation-de-la-prison/, retrieved at 23 March 2015.
- Buzon, B., O. Waever & J. de Wilde, J., ‘Security analysis’, in: L. Rienner (ed.), *Security: A New Framework for Analysis*, Boulder, CO and London: Lynne Rienner Publishers 1998, p. 21-47.

- Clarke R., '(Id)entities management, and nym management, for people not just of people', Invited Panel Presentation, 7th Annual Privacy & Security Conference of the Government of British Columbia, 9-10 February 2006, Victoria BC, at <http://www.rogerclarke.com/DV/IdMngt-BC-0602.html>.
- Engbersen, G. & D. Broeders, 'Immigration control and strategies of irregular migrants: from light to heavy foggy social structures', in: M. Bommers & G. Sciortino (eds.), *Foggy Social Structures: Irregular Migration and the Eastern Enlargement*, Amsterdam: Amsterdam University Press 2011.
- Erjavec, K., 'Beyond advertising and journalism: hybrid promotional news discourse', *Discourse & Society* 2001, no. 15, p. 553-578.
- Giddens, A., *The Consequences of Modernity*, Stanford: Stanford University Press 1998.
- Hayward, K. & M. Schuilenburg, 'To resist = to create? Some thoughts on the concept of resistance in cultural criminology', *Tijdschrift over Cultuur & Criminaliteit* 2014, vol. 4, no. 1, p. 22-36.
- Lipsky, M., *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*, New York: Russell Sage Foundation 1980.
- Lyon, D., *Surveillance Society: Monitoring Everyday Life*, New York: Routledge 2001.
- Kavaliauskaite, J., 'Chimeras of terror: Disciplining Roma identity in Lithuania', *Alternatives: Global, Local, Political* 2008, no. 33, p. 153-171.
- Malecki, M., 'The New Europe: Freedom Against Aliens and Minorities', in: M. Walton-Roberts & J. Henneby (eds.), *Territoriality and Migration in the E.U. Neighbourhood: Spilling over the Wall*, Dordrecht: Springer 2014, p. 111-126.
- Mathieu, L., 'The debate on prostitution in France: a conflict between abolitionism, regulation and prohibition', *Journal of Contemporary European Studies* 2004, no. 2, p. 153-163.
- Marthaler, S., 'Nicholas Sarkozy and the politics of French immigration policy', *Journal of European Public Policy* 2008, no. 15, p. 382-397.
- Milone, M.G., 'Biometric surveillance: Searching for identity', *Business Lawyer* 2001, no. 57, p. 497-512.
- National Audit Office Department for work and pensions, *Progress in Tackling Benefit Fraud*, London: The Stationery Office 2008, p. 44.
- Neocleous, M., *Critique of Security*, Edinburgh: Edinburgh University Press 2008. Cited in: T. Balzacq, *Contesting Security: Strategies and logics*, Abington, Oxon, UK: Routledge 2015, p. 154-168.
- Oude Breuil, B., *De Raad voor de Kinderbescherming in een multiculturele samenleving*, The Hague: Boom Juridische uitgevers 2005.
- Oude Breuil, B., "'Bienvenue chez les grands!'" Border-crossings of young migrant cigarette vendors in Marseille', in: G. Craig (eds.), *Child Slavery Now. A Contemporary Reader*, Bristol: The Policy Press 2011, p. 189-202.
- Marthaler, S., 'Nicolas Sarkozy and the politics of French immigration policy', in: T. Bale (ed.), *Immigration and Integration Policy in Europe. Why Politics – and the Center-Right – Matter*, (European Public Policy Series) Abingdon, OX: Routledge 2009, p. 75.

- Schuilenburg, M., R. van Steden & B. Oude Breuil, *Positive Criminology: Reflections on Care, Belonging and Security*, The Hague: Eleven International Publishing 2014.
- Stumpf, J.P., 'The crimmigration Crisis: Immigrants, crime, and sovereign power', *American University Law Review* 2006, no. 56, p. 367.
- Vaidhyanathan, S., 'Naked in the "Nonopticon", Surveillance and marketing combine to strip away our privacy', in: *The Chronicle of Higher Education*, 'The Chronicle Review' 2008, no. 5, p. B7.
- Wacquant, L., 'Crafting the neoliberal state: workfare, prisonfare, and social insecurity', *Sociological Forum* 2010, no. 25, p. 197-220.
- Woolford, A. & A. Nelund, 'The responsibilities of the poor: Performing neoliberal citizenship within the bureaucratic field', *Social Service Review* 2013, no. 87, p. 292.
- Young, J., *The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity*, London; Thousand Oaks: Sage Publications 1999.
- Young, J., 'Voodoo criminology and the numbers game', in: J. Ferrell, K. Hayward, W. Morrison & M. Presdee (eds.), *Cultural Criminology Unleashed*, London: The Glass House Press 2014, p. 13-29.