

Strategies of Navigation: Migrants' Everyday Encounters with Italian Immigration Bureaucracy

Abstract

Successful encounters with bureaucratic systems require users to be familiar with 'insider' rules, attitudes and behaviour. This article examines migrants' everyday efforts to become and stay 'legal' in Italy, and shows how they need to develop particular strategies in order to do so. While these strategies help migrants in the short term, I argue that ultimately they enable the Italian state to reconcile its conflicting interests and reproduce migrants' marginal and insecure status in Italian society. Examining everyday mundane interactions with the state and its bureaucracy reveals the various ways in which state practices produce insecurity.

Key words: bureaucracy, documents, illegality, Italy, migration, the state.

Being a migrant in Italy involves a close and long term-relationship with what I call the Italian documentation regime. Experiences with the bureaucracy of Italian immigration law are characterized by long waiting times, mix-ups of information, the issuing of expired permits, endless queues, chasing up 'blocked' applications and documents being lost. Italy's migrants are a heterogeneous group, significantly varying in their language abilities, the period of time they have spent in Italy and their country of origin. Yet, despite these differences, encounters with the immigration bureaucracy, which are frequent and enduring, are experiences shared by all. The difficulty in attaining citizenship, or even long-term permits, means that most migrants face permit renewal every two years.¹ For those lucky enough to have secure legal status, encounters with the regime continue through family and friends. Thus, dealing with the documentation regime is a defining feature of what it means to

be a migrant in Italy and was experienced by my informants as all pervasive and intrusive. This article explores how, through long and enduring encounters with the exclusionary immigration bureaucracy, migrants adopt strategies in order to successfully navigate it. These strategies necessitate the development of particular attitudes and behaviours which were identified by migrants and their advisers as pertaining to 'il sistema paese' [system of the country].

The anthropological record has shown that bureaucracies function in a manner that is a far cry from the ideal type described by Weber. Instead, bureaucracies and bureaucratic encounters are affective. They produce and are produced by emotion, self-interest, social networks and much more (Gupta 1995; Heyman 1995; Olivier De Sardan 1999; Nuijten 2003). Moreover, rather than engendering transparency and consistency, bureaucracies, and the paperwork which accompanies this form of governance, create uncertainty and indeterminacy for low-level bureaucrats and users alike (Cabot 2012; Kelly 2006; Navaro-Yashin 2007; Triandafyllidou 2003). Given the ambiguous nature of bureaucratic processes, knowing one's way around bureaucracies and playing by the 'pragmatic' rules (Bailey 1969) is essential in any context in order to successfully manage bureaucratic encounters (Gupta 1995). In the Italian setting, studies have shown that when dealing with bureaucracy, individuals must carefully manage the gap between the 'real' rules – those which exist in practice – and the 'official' rules (Galt 1974; Shore 1989; Zinn 2001) – those that exist on paper. Whether dealing with the tax office or a university administration, overly adhering to the official rules can lead to losing out (Guano 2010: 475), while excessively flouting them risks losing reputation and much more (Shore 1989; Zinn 2001). Treading the fine line between the 'official' and the 'real' rules, however, requires insider knowledge and finesse. Indeed, many anthropological accounts of bureaucratic encounters feature inexperienced actors whose

blunders highlight the insider knowledge necessary to navigate bureaucratic labyrinths (Gupta 1995; Nuijten 2003; Shore 1989). It is precisely through these actors' errors that the gap between the 'official' and the 'real' is exposed.

Building on this work, this article focuses on migrants' encounters with immigration bureaucracy in their efforts for themselves and their families to become and stay 'legal'. I show how while the ambiguity and uncertainty that characterize the bureaucracy is frustrating and anxiety inducing, it also allows for flexibility. Through engagement with the arbitrary and uncertain 'terrain' (Vigh 2006, 2009) of immigration bureaucracy, migrants learn to develop strategies to manipulate the law's loopholes and help them have applications accepted: they learn the 'real' rules. Consequently, and paradoxically, therefore, through their practice of Italy's exclusionary and uncertain documentation regime, over time migrants become cultural insiders.

Studies on law and migration have focused on the way in which migrants must grapple with ambiguous and arbitrary laws that shift across space and time. These studies have tended to focus on the imposing and restrictive nature of law and the way in which it produces migrants as vulnerable and deportable subjects (Calavita 2005; De Genova 2002; Heyman 1995). In contrast, in the case studies that follow migrants are depicted as resourceful and able to manipulate laws. This representation, however, should not be seen in contradiction with those of earlier studies. By analysing migrants' micro-strategies of navigation as well as the broader context within which they take place, I aim to contribute to the overarching insights made by those studies that show how immigration laws – and the ambiguities within them – function to produce migrants as an insecure labour force. To do this, I examine how these 'informal' practices are situated within the state's production of insecurity and ambiguity. Building on

Heyman and Smart (1999), Elyacher (2005) has advocated that informal practices are themselves part of statecraft and must not be considered as taking place outside of the state (2005: 69). That is, the 'real' and the 'official' must be considered as constituent of one system. This means bringing the contradictions, indeterminacies and ambiguities that state practices produce to centre stage (see Kelly 2006; Ochs 2011). Work on law and migration has provided evidence for such an approach by showing that 'illegality' itself is created by immigration laws (Calavita 2005; De Genova 2002). Building on these observations, this article will examine how migrants' strategies to navigate and manipulate the regime are not in contradiction with official state practices but instead are products of them. Given the multifarious nature of the state (Sharma & Gupta 2006; Hansen & Stepputat 2001), the contradictions and indeterminacies by which it is inevitably characterized must somehow appear to be reconciled in order to produce a coherent 'state effect' (Abrams 1988; Mitchell 2006). As I will suggest, migrants' strategies help to produce this coherency, as they act as a bridge to close the gap between 'official' and 'unofficial' practices, and enable the state to smooth out its contradictory interests.

Fieldwork

Following migrants' relationships with Italian bureaucracy as they sought to become and stay 'legal', I conducted nineteen months fieldwork from October 2009 to May 2011 in a North-Eastern Italian city.² My fieldwork was principally based in an advice centre for migrants, which was run by a trade union. The centre's role was two-fold. Firstly, it completed applications for permit renewal, family re-unification and citizenship, as well as various other related bureaucratic procedures. Secondly, it acted as a first port of call for migrants needing

support, information and advice. A large proportion of the centre's work was to mediate between migrants and the Questura, which is the police station and immigration office.³ There was no information centre at the Questura and it was almost impossible for migrants to check the status of their applications independently. As will be discussed, the centre acted as a mediator that accessed information about delayed applications and helped migrants to challenge unfair decisions made by the Questura. The services which the centre offered were free of charge, but migrants were encouraged to enlist as trade union members.

I acted as a volunteer in the centre. This involved learning the ins and outs of Italian immigration law and later providing advice on the welcome counter, as well as taking appointments and checking permit status on the computer. Conversation and interviews were usually conducted in Italian. On some occasions, I also acted as an interpreter for those who came from Anglophone countries or for those who spoke English but not Italian.

Exclusionary Law

The Italian documentation regime is currently guided by the Bossi-Fini law. Created in 2002 under Silvio Berlusconi's coalition government by Gianfranco Fini, a rightwing politician, and Umberto Bossi, the leader of the infamously xenophobic Northern League (Lega Nord), the law has been criticized as discriminatory and driven by anti-immigrant politics. Under the law, a migrant's legal status is contingent upon presenting a regular work contract. Consequently, regardless of how many years one has lived in the country, losing one's job or being employed unofficially in the 'black market' can result in the loss of legal status. In 2009 the so-called 'Security Packet' furthered this apparently tough stance on immigration. The bill

included a dramatic rise in the cost of permit renewal and it made the status of ‘illegality’ a crime.

However, alongside the government’s tough rhetorical stance on immigration and its exclusionary law, there exist frequent programmes for legalization and entry quota systems for new foreign workers to enter the country legally (Schuster 2005: 761). Indeed, during my nineteen-month fieldwork period there was an amnesty for domestic workers which legalized approximately 270,000 people and a *decreto flussi*, which allowed for the legal entry of over 98,000 people through work contracts with employers based in Italy. There were also several seasonal *decreto flussi*, which allowed for the entry of temporary migrants employed on short-term work contracts. The apparent mismatch between an exclusionary rhetoric and regular programmes of legalizations and entry, have been explained in a number of ways. Zincone (2011) has discussed the influence of the so-called ‘advocacy coalition’, which includes Catholic organisations, industries desiring foreign labour, left-wing NGOs, trade unions and Italian families who employ migrant domestic workers. The employment of domestic workers, usually *badanti* – who are live-in carers for the elderly – is very common in Italy.⁴ The country’s ageing population and limited state provisions for care of the elderly have created a high demand for such labour. Migrant workers, who are usually women, dominate this sector. Zincone notes that the pressure from such advocacy groups has led to immigration policy being on a ‘zigzagging path’ (2011: 278) in which immigration law is harsh and exclusionary yet also allows for large-scale and fairly frequent legalization programmes.

Scholarly work on immigration law, often based in the United States, has argued that such contradictions and uncertainties are a product of conflicting interests at the heart of state

policy. Governments seek to maintain a tough stance on immigration in order to appease public opinion and secure votes, while simultaneously enjoying the economic benefits of a vulnerable and low-paid foreign work force (Coutin 2000; Heyman 1995; Portes 1978). De Genova argues that the ambiguities and inconsistencies of laws must be considered as a tactical ‘apparatus for sustaining ... [migrants’] vulnerability and tractability as workers’ (2002: 439). In a similar vein, with reference to Italy, Calavita has argued that Italy’s temporary and contingent permit system results in ‘institutionalized irregularity’ (2005: 43) which is inseparable from migrants’ labour function. She suggests that through their precarious and temporary legal statuses, migrants remain perpetually ‘Other’. She argues that this is a ‘critical ingredient of their flexibility’ and ensures that they remain in low-level, poorly paid and insecure jobs – the so called ‘non-EU’ jobs (those that native European citizens refuse to do) (Calavita 2005: 265).

Such arguments are well-supported by the material facts of migrants’ conditions in Italy. A report by Catholic migrant advocacy group Caritas shows that, despite contributing ten percent to Italy’s GDP in 2010, foreign workers’ salaries were markedly lower than native Italians’, earning on average 32.8 percent less.⁵ Additionally, Zincone argues that although campaigns to improve the basic rights and legal status of migrants do exist, the ‘commitment to political and citizenship rights for long term residents is less tenacious’ (2006: 13). Thus, such advocacy on behalf of migrants’ rights is paternalistic in nature and does not challenge the unequal inclusion which migrants encounter.

Bureaucratic Encounters

Long waiting times marked migrants' experiences of the Italian documentation regime and were often the prime reason for anxiety. These waits included queuing at the Questura to provide fingerprints for permit renewal or collection, waiting months for a renewed permit to be issued, or waiting years to hear about citizenship applications or family reunification requests. Other sources of anxiety included the issuing of already expired permits, permit renewal paperwork being suspended without notification to the applicant and the Questura's denial of having received submitted applications. Migrants often understood and rationalized the long waiting times as being caused by mistakes they must have made in the completion of applications. During my fieldwork period applicants could wait six months or longer for the issue of a two year permit. The Questura often failed to inform people when the reason for this delay was that documents were missing, causing applications to be 'blocked' for months on end. The anxiety caused by the long waiting times was exacerbated by false hopes and assurances. When providing their fingerprints at the beginning of the renewal phase, migrants were told by police officers that their permits would be ready in two months. Even when applicants fulfilled all the correct requirements and held the requisite paperwork, their distrust of the Questura and its seemingly ever-changing rules made many feel unsure of their status until the priceless new permit was actually delivered.

The circulation of misinformation

As well as the long waiting times and other effects of a seemingly chaotic bureaucracy, instability was also caused by the perception that the law was constantly changing and in flux. Joy, a Nigerian woman, arrived at the advice centre early on a typically chaotic Monday morning.⁶ She had come in the previous week to ask for a list of documents so she could apply for a long-term permit as the mother of an Italian citizen. Applications for permits as the family member of an Italian citizen entailed a specific set of bureaucratic requirements,

with applicants being obliged to submit the paperwork in person at the Questura rather than via the postal system. Accordingly, Joy had woken up early, arriving at the Questura at 5am to obtain an appointment number in order to be seen when it opened at 8.30am. Since officials frequently turned migrants away because of missing paperwork, visits to the Questura often needed to be repeated. As with many other applicants, Joy's Monday morning trip was wasted, as the policeman she eventually saw informed her that she was missing documents, and she was sent away with a scrap of paper on which the policeman had hand-written:

- *Certificato di idoneità alloggiativa* – certificate attesting to the size of accommodation and how many people it can accommodate
- *Contratto di locazione registrato* – registered rental contract
- *Atto di nascita del figlio* – son's birth certificate

These were three requisites which, according to the usual local Questura practice, Italian immigration law and the advice centre's list of necessary documents, were *not* in fact required for relatives of Italian citizens. But it was common for applicants to be turned away from the Questura or to receive letters at home because their applications lacked documents which were not officially required. Presuming that the Questura had not understood that she was the mother of an Italian citizen, a staff member at the centre told Joy to return to the Questura with the birth certificate of her son and to explain again that she was applying for the long-term permit as the mother of an Italian citizen.

Two days later, and after another unsuccessful 5am start at the Questura, Joy returned, deeply frustrated and anxious about the situation. She was also concerned that her work contract might be suspended – her permit was due to expire the following week and McDonald's,

where she worked, had a strict policy that workers must have a valid permit, or a receipt for permit renewal, at all times (in spite of the fact that the law allows a sixty day period of grace to renew permits after their expiry). Alberto, a sympathetic member of staff at the advice centre, came out from the back of the office and saw Joy in floods of tears. He ushered her to his desk and phoned the Questura to find out if these documents were really required. The policeman who answered replied that in ‘some particular cases’ these documents were indeed required, but did not give any specific explanation as to why this was so in Joy’s case. Trying to find a solution that would allow Joy to procure the receipt for renewal as soon as possible – fortunately, Joy did have these extra documents at home – Alberto filled in the usual postal application for migrants who have no family connection to an Italian citizen. In doing so, he circumvented further face-to-face contact with the police officer, enabling Joy to obtain a receipt for renewal as soon as she had sent the application from the post-office.

These kinds of occurrences led to migrants at the advice centre frequently lamenting that ‘the law changes from day to day.’ In reality, there is little change in immigration law, but the great flexibility and myriad *interpretations* of the law by different actors means that individuals experienced it as fickle and shifting. It was not, however, only the circulation of misinformation that gave the impression of the law as malleable. As the next case study elucidates, not only were specific laws interpreted and practised differently according to locality, but also in some instances the details of particular acts of legislation were undecided.

Changing laws

In September 2009 the Italian government opened an amnesty for migrant domestic workers without permits. This amnesty gave undocumented domestic workers who had been working in Italy before April 2009 the opportunity to be regularized in relationship to their employer.

In reality, however, the law gave the opportunity to be legalized to anybody who was able to find, and usually pay, an ‘employer’. In the months after the amnesty, young Moroccan, Pakistani and Tunisian men (cohorts of people who were very unlikely to be hired for domestic work) frequently came into the advice centre.⁷ Having secured fake employers, they were now checking the status of their applications. If the application was successful, after the issuing of the first permit, applicants could then change their ‘job’.

Khan, a thirty year old street-seller from Bangladesh, sold plastic trinkets and roses in the city’s main shopping areas. He had lived in Italy for ten years, previously holding a valid permit and working in a factory. However, after losing his job and being unable to renew his permit he fell into ‘illegality’. Since the expiry of his permit, Khan had been stopped and fingerprinted by the police twice; both times being issued with a *foglio di via* (expulsion) ordering him to leave the country within 48 hours. Those issued with expulsions are expected to leave the country independently. However, like most others in this position, Khan nonetheless remained in Italy. When the amnesty for domestic workers was publicized, Khan jumped at the chance of legalization. As Khan was not a domestic worker, in order to submit an application for the amnesty he paid an acquaintance to act as his domestic work ‘employer’.

At the time of the amnesty application period the Ministero del Interno (Home Office) had not specified whether those who had previously been issued with expulsions were eligible to apply. Accordingly, migration advice centres across the city encouraged everybody to apply and ‘see what would happen’, as one staff member described to me. However, when the applications of those who had received expulsions became increasingly delayed, rumours circulated that those who had been previously stopped and fingerprinted by the police, like

Khan, would be refused the issue of a permit. Six months after the submission of applications, Khan and several others came into the centre holding copies of the newspaper *La Repubblica*. The paper contained an article that queried whether holding previous expulsions would lead to negative responses for amnesty applications. It described how variation in responses would depend on the individual *questura*: ‘...inflexibility in some provinces and elasticity in others... Rigidity in Trieste, Rimini, Perugia. Clemency in Milan, Venice, Bologna and other provinces. Consequently, uncertainty everywhere’ (my translation).⁸

‘So no problems here then?’ Khan asked me. Unsure how to respond, I took the newspaper into the back office to show to Alberto. He quickly read the article and replied that those who had received only one expulsion should not experience any problems. As I re-entered the waiting area Ginetta, another staff member, ran after me. She grabbed my arm and pressed her hand to my ear, whispering: ‘Be careful what you tell them, none of us are sure how this is going to turn out!’ The newspaper article demonstrated the way in which local areas interpreted the amnesty’s rules (or lack of) in different ways, resulting in serious consequences for applicants. The issue related to the contradiction between the fact that being ‘illegal’ in Italy is a criminal offence, yet the amnesty was exclusively for ‘illegal’ migrants who had been living in Italy for at least five months.⁹ As in the case of Khan, those who were issued with expulsions were not physically deported but were expected to leave the country independently. This policy, which layered ‘illegality’ on top of ‘illegality’, resulted in a large number of ‘illegal’ migrants remaining on Italian territory with expulsions in hand. While, in my fieldsite applications by those who held a number of expulsions were put on hold until the Ministero del Interno confirmed whether or not holding expulsions would disallow amnesty applicants, other *questure* behaved differently. In March 2010 a Senegalese citizen was summoned to the Questura of Trieste for an appointment regarding his amnesty application.

On arrival, the man was arrested and packed off on a plane to Senegal. His crime was that he had been previously expelled for his illegal status but had never left the country. Unlike the Senegalese man, Khan's amnesty application was eventually accepted despite his two expulsions, proving, as the newspaper article reported, that *questura* practice varied across cities and that the law was being inconsistently applied.

This case demonstrates that migrants' encounters with contradictory and inconsistent information were due not only to the ignorance, incompetence or favouritism of officials or staff at advice centres, but also because the official terms and conditions were undecided during the application process. This created mistrust and confusion among migrants, and also made advice centres very difficult to run and manage, as different individuals were likely to provide contradictory information.

The uncertain terrain of immigration bureaucracy

Writing about how agents act in uncertain and opaque terrains, Vigh advocates the usefulness of the concept of social navigation. In his analysis he argues that the term serves as an 'analytical optic which allows us to focus on how people move and manage within situations of social flux and change' (2006, 2009). He observes that such action is not a metaphor for agency, 'but rather designates the interface between agency and social forces' (2006: 14). This understanding of action 'highlights the interactivity of practice' (2009: 420), thus emphasizing the connection between the terrain and the navigation which takes place upon it. Applying this concept of social navigation to my ethnographic context allows us to see how migrants actively interacted with specific characteristics of Italian immigration law. How migrants dealt with and navigated the bureaucracy was channelled by the documentation regime's uncertain nature. Accordingly, migrants' strategies to ensure that their paperwork

was accepted, involved responding in appropriate ways to the misinformation, ambiguities, delays and contradictions, which characterized the bureaucracy. Despite their continual complaints about unfairness and incompetence, migrants who were successful in their encounters learnt not to dwell on the lack of rationale, logic or consistency in the immigration bureaucracy. Instead they learnt to accept, if disdainfully, the ad hoc condition to which they were subjected and to take advantage of the uncertainty and contradictions within it.

As the next section will outline, by employing an attitude of acceptance in the face of unpredictability and chaos, migrants implemented strategies of navigation based on resilience, persistence and creative manipulation of rules to turn the system's indeterminacy to their advantage.

Working the Gap: Migrants' Strategies of Manipulation

Migrants' strategies of navigation were enabled by the way in which their paperwork did not always reflect real life circumstances. The documentation regime's arbitrary and indeterminate nature enabled migrants to bend the rules and – as a staff member at the centre said – make the 'impossible, possible'. Although the Questura was strict regarding the *presentation* of the correct documentation for permit issue, these various documents often presented a very different 'life' to the one that really existed. Accordingly, strategies to have paperwork accepted and use the law to one's advantage included strategic rearranging of the facts in application forms.

The advice centre played a key role in helping migrants take advantage of the law's flexibility. Sometimes staff members would actively help migrants shape the way they filled in the form to become acceptable, while in other cases individuals presented an already embellished story which staff members would then have to try to unravel and re-construct. Making phone calls to officials and writing cover letters to accompany applications were other services provided by the centre. These practices were employed in order to present an applicant's situation that could not be sufficiently conveyed in a tick-box application, or on particular occasions to challenge 'unlawful' decision-making by the Questura. As such, the centre acted as a broker between the migrant and Questura, allowing applicants the opportunity to find their way around an otherwise impenetrable bureaucratic maze.

Decreto flussi and amnesties

Manipulation of the laws' loopholes was particularly evident when migrants obtained their first permit. Distinct from an amnesty, the *decreto flussi* is a law that allows employers in Italy to bring over foreign nationals who live abroad. However, while this is its official remit, the law was used quite differently in practice. The following extract from *La Repubblica* describes how the law often functioned:

In reality, as all immigrants know well, for years the *decreto flussi* has been the only chance for migrants to escape illegality and access a permit (due to a lack of amnesties). The procedure however is not simple or without risks. First one submits the application and then one enters into the quota (and returns to one's home country). Subsequently one then leaves his home country with a valid visa and finally re-enters Italy. Thus, exiting in a clandestine manner and re-entering in a regular one (my translation).¹⁰

As the extract outlines, the *decreto flussi* was typically used by ‘illegal’ migrants who were *already* on Italian territory. As one staff member commented, ‘who would hire somebody they did not know from abroad?’ If the application was successful, the migrant returned home and then re-entered Italy (this time legally) with a visa. Media coverage of the *decreto flussi* often referred to it as a *beffa* (hoax), highlighting how the law informally acted as a second amnesty for migrants on Italian territory without permits.

In both the *decreto flussi* and amnesty, ‘employers’ were often friends, family or acquaintances who charged high rates to ‘employ’ a migrant. Given the dependency of permits on work and salary, it was easy for migrants in Italy to fall into ‘illegality’, meaning that opportunities to be re-regularized were in high demand. Rumours of *decreto flussi* and amnesties opening were rife throughout my fieldwork. In January 2011 a *decreto flussi* did finally open, but its practical use was somewhat different from previous years. One Saturday morning, Cara, a young woman from the Dominican Republic, was sitting at Alberto’s desk. The two were discussing the possible ways in which Cara’s sister might be able to enter Italy. Cara had Italian citizenship, so once on Italian territory her sister would be entitled to a permit on the grounds of family reunification. The problem, however, was how her sister would be able to enter. Aware that siblings of Italian citizens have the right to permits once on Italian territory, Italian embassies were reluctant to issue tourist visas to those in that category. One possible solution, Alberto suggested, was that Cara’s sister could apply for a Spanish tourist visa and then, taking advantage of the Schengen free travel accord, travel from Spain to Italy. Looking pensive and tapping the unlit cigarette in his hand, Alberto commented that Cara should consider the possibility that the long rumoured *decreto flussi* may actually open in the near future. He explained that if this happened, Cara could submit an application to ‘employ’ her sister as a domestic worker. If the application were successful Cara’s sister would be

issued with a visa and then once in Italy she could apply for a family permit as the sister of an Italian citizen. Cara looked unsure and responded that she would think about it. Her scepticism was justified. The *decreto flussi* works in a semi-arbitrary manner in which whoever submits the online application earlier has a greater chance of it being accepted. Furthermore, if the previous *decreto flussi* in 2007 was any indication, responses to applications could take up to two or three years.

As the above example suggests, migrants made use of the 2011 *decreto flussi* in a different way to how they had done so in previous years. Rather than the law being used as a kind of general amnesty as it had been in the past, in 2011 it operated as a means of reunifying families. The previous 2007 *decreto flussi* had been massively over-subscribed, but because the 2011 procedure was taking place less than two years after the 2009 amnesty, the number of applicants for this *decreto flussi* was considerably reduced.¹¹ As one staff member described to me, ‘many of those without permits who could be legalized [i.e. had kinship or financial capital] had already applied in the 2009 amnesty.’ Reflecting this, the 2011 *decreto flussi* was used instead as a type of family re-unification for relatives who otherwise were not permitted to migrate to Italy. While I was completing application forms for clients in the centre, the conversation would inevitably turn to which relative they were bringing over. People described to me how they hoped to help a sibling, nephew, niece or cousin. In the hundred or so applications that I completed, I did not come across a single genuine employer/employee relationship.

As such, both the *decreto flussi* and amnesty offered valuable opportunities for migrants to become legalized, re-legalized or bring over a relative. What is key to the above discussion is that official terms and conditions were perceived as flexible by both staff and migrants. The

fact that the 2009 amnesty was intended exclusively for domestic workers was not conceived as restrictive; if one paid the right fees and completed the correct paperwork, it was immaterial whether the domestic work contract actually existed or not. Similarly, it was not an issue that the *decreto flussi* was designed for people outside of Italy – one would simply exit the country and then return.

As the article from *La Repubblica* suggests, the existence of these tactics was no secret. Although form-filling was manipulated, people's practical circumstances were not reshaped. Migrants felt no need to hide the details of their situation and state officials were not interested in the circumstances providing the paperwork was in order. In the aftermath of the 2009 amnesty, Mirkena, who had previously volunteered at the centre, was employed on a temporary basis at the Prefettura – the prefecture which deals with some immigration paperwork. Amnesty applicants (both 'employers' and 'employees') were required to present themselves at the Prefettura to check that their declaration of income, housing situation and documents were all in order before passing the paperwork onto the Questura, who would eventually issue the permit. Shadowing Mirkena one morning at the Prefettura while she made her way through the day's appointments, it became clear to me that the applicants were not afraid they might be found out or turned away if their 'work' relationship was discovered to be false. Domestic work 'employers' and 'employees' often included siblings and cousins. What counted was that the paperwork was in order; applicants were only turned away if they had brought the wrong declaration of income, housing document or residence certificate.

Contacts count

Migrants' diverse navigation of the documentation regime's loopholes was, of course, contingent upon access to money and social networks. Perhaps even more valuable than

money were contacts in places that mattered. Samir approached the counter one morning to ask for advice on renewing his permit, which had already expired. He was fashionably dressed in a designer puffa-jacket, jeans and high-top trainers: his sense of style and fluent Italian language skills demonstrated that he had grown up in Italy. He took his permit out of his wallet, showing me that it had expired several months ago. It was an unemployment permit, a type of permit issued only once that lasts for just six months. Regardless of how long a person has been living and working legally in the country, if at the time of renewal they do not have a job, they lose the possibility for renewal, effectively becoming *clandestino* ('illegal'). Furthermore, permits can be renewed only within two months of their expiry and Samir's had expired five months previously. The reason he had not renewed his permit, he said, was because he had been unable to find a job. However, despite being technically 'illegal' and holding an expired permit which was officially un-renewable, Samir appeared remarkably calm. Looking doubtful, my colleague at the counter advised him to make an appointment with the advice centre's lawyer to see if there was any possibility of 'saving' Samir's permit. The next day, however, Samir called into the centre to tell me that he had resolved his problem. He had a friend who worked at the Questura who told him that he would help him renew his permit. The permit would be for unemployment and would last two years, despite the fact that the law dictates that unemployment permits are non-renewable without a work contract and have a maximum duration of six months. Samir was told to fill out the application form as normal and to deposit it at the Questura.

These cases show that access to particular resources – namely money, family or contacts – was essential in order to take advantage of the flexibility in the system and effectively exploit its loopholes. Overall, therefore, while migrants often cited the immigration bureaucracy as the most negative aspect of life in Italy, with the right skills and resources individuals were

able to take advantage of opportunities that would not be available in a more rigid and transparent system. They did this, for example, by bringing non-immediate family to Italy, taking advantage of contacts to change official rules or managing to obtain access to Europe without the correct requisites. Accessing contacts, paying for paperwork in the informal economy or learning to accept and make the most of the changing and flexible laws, were referred to by staff members and long-term migrants as pertaining to ‘il sistema paese’ [system of the country]. Given the complex nature of the bureaucratic regime, learning to manoeuvre around the system in this way was a sign of an integrated and long-term migrant. The attitudes and behaviours associated with the navigation of the bureaucracy, therefore, were seen to be culturally ‘Italian’, and those who successfully practised *il sistema paese* possessed insider knowledge. However, while insider knowledge was required in order to be successful, the following case shows how playing by *il sistema paese* rules could also lead to migrants ultimately losing out, as the precarious nature of their ‘legality’ trumped their insider cultural knowledge.

Limits to Rule Bending

Rashid was a man from Pakistan who frequently waited in the centre for hours on end hoping eventually to speak with Alberto. Alberto explained that the reason Rashid came to the centre so often was because he had still not received any response regarding his citizenship application, which he had submitted several years ago. Through visits to the Prefettura and the Questura on Rashid’s behalf, Alberto discovered why his application had been ‘blocked’. Background checks are carried out on citizenship applicants to ensure that the applicant has no criminal offences and has paid taxes, fines and so on. While conducting the ‘controls’ on

Rashid's background, the Questura discovered that his children had not been going to school. Rashid's children were born in Italy, but when they were still very young they accompanied their mother when she left to live in Pakistan. I asked Alberto whether it would be helpful for Rashid to send the school certificates from Pakistan. Alberto shook his head and explained that migrants who are legally resident in Italy are not allowed permanently to live in another country. More seriously, because on paper his wife and children were living in Italy, Rashid had been receiving family benefits. If Rashid were to argue that his children were in Italy, he would be committing an offence by not sending them to school. If, on the other hand, he proved they had been living in Pakistan, he risked being accused of benefit fraud. Alberto advised Rashid to renounce his application and hope that nobody followed up on either issue: in this instance, there was no way round the bureaucracy. This case demonstrates that, in order successfully to be conceded citizenship, migrants need to have effectively managed the bureaucracy over many years. Key to Rashid's failure was his lack of knowledge about the limits to the system's flexibility. Successful migrants need to know where there are *no* loopholes. Inadequate knowledge of these limits can mean the risk of losing out on more than they might have gained. Thus, while strategies of navigation are useful in obtaining and renewing permits, they have limited use in accessing more secure legal statuses.

Strategies of navigation, therefore, enable migrants to achieve basic goals, such as renewing a permit, bringing a parent to Italy or obtaining a fake work contract. However, migrants' experiences, notwithstanding legal status or how long one had spent in the country, remain characterized by precarity and temporariness. The experiences of those such as Samir exemplify the disjuncture between the characteristics and insider knowledge required to successfully navigate the bureaucracy and the ultimate insecurity which migrants inhabit. While Samir possessed sufficient social capital to engage with Questura officials in order to

manipulate laws, ultimately he was risking being an ‘illegal’ migrant. In fact at the time of his visit to the centre technically he was ‘illegal’. As such, while the manipulative and sometimes subversive nature of migrants’ navigations of immigration law emphasize their agency and resourcefulness, the limits of such navigation remind us of the serious constraints that migrants face. Furthermore, and a point which will be developed in the conclusion, I suggest that because migrants’ tactical navigation enables them ‘to get by’, the institutionalization of illegality, precarity and exclusion within the immigration law remains unchallenged.

Conclusion

In this article I have explored the uncertain and shifting terrain which migrants must inhabit in their encounters with Italian immigration law. Due to long waiting times, the apparent changeability of regulations and the demands of the law itself, such encounters were frequent and enduring. By analysing migrants’ practices of manipulation and their ability to make the best of the law’s flexibility, I have suggested that experiences with the documentation regime necessitate the development of insider attitudes and behaviours. Learning these insider rules, however, exists in a complex relationship with the broader political, economic and legal structures that guide the bureaucracy. The same processes which produce migrants as cultural insiders also, paradoxically, structurally exclude them.

As shown above, it is essential for migrants to strategically navigate the documentation regime in order to have applications accepted. The ‘illegal’ or ‘semi-legal’ nature of these strategies, however, should not lead to the assumption that they are challenges to the immigration bureaucracy. The over-riding frustration and desperation that most felt in relation

to their interaction with the documentation regime suggests that this was not the case. Building on work which has challenged the divide between ‘official’ and ‘unofficial’ practices, I suggest that rather than considering migrants’ ‘misuse’ of the domestic worker amnesty and *decreto flussi* as separate from, or subversive of, official state practices, these strategies must be viewed as taking place within the same domain as the ‘official’ (Elyachar 2005; Heyman & Smart 1999). Taking such an analytical stance reveals the way in which migrants’ informal strategies enable the Italian state to produce itself as a coherent entity. Specifically, migrants’ strategies allow the Italian state to obscure its own production of ‘illegality’, while simultaneously satisfying its economic need for migrant labour. Firstly, migrants’ tacit and unofficial use of both the amnesty and the *decreto flussi* enable the Italian state to cover up the large number of ‘illegal’ migrants dwelling in the country’s frontiers, who would be considered undesirable by significant portions of the public and trouble other EU member-countries concerned about border security, particularly in the light of the Frontex agreements between states. Secondly, migrants’ use of the regularization procedures mask the fact that the country’s immigration law increases the number of ‘illegal’ migrants on Italian territory (Calavita 2005: 43). It was not only recently arrived ‘illegal’ migrants who took advantage of regularization policies. They were also used by those who had lived in Italy for years, or who were born in the country, but had fallen into ‘illegality’ usually through unemployment. Such unofficial regularization of ‘illegal’ migrants, therefore, covers up the way in which immigration law itself produces ‘illegal’ immigration, in some cases even causing members of the second generation to become ‘illegal’.

I am not suggesting that the Italian state has a unified and intentional project to generate opaque laws that it hopes migrants will exploit in order to serve its own interests. As established in recent anthropological literature, the state is not a single, unified entity but ‘a

dispersed ensemble of institutional practices and techniques of governance' (Hansen & Stepputat 2001: 14) composed of heterogeneous elements and representing diverse interests. Migrants' creative use of the 2011 *decreto flussi* to bring over family members otherwise not permitted by law clearly demonstrates that the unofficial use of laws is accidental and multifaceted. What I claim, however, is that it is precisely through its multifarious nature that the state balances conflicting interests and aims. By engaging in 'unofficial' and 'illegal' practices, migrants' strategies enable the Italian state to reconcile its contradictions and reproduce itself as a coherent whole. A state's indeterminacies, therefore, can be productive. It is the people on the ground – advisers, low-level bureaucrats and, most importantly, migrants themselves – who must manage the messy uncertainties and contradictions that are inevitably also created. One of the central contradictions produced is that strategic engagement with bureaucratic systems can produce migrants as cultural insiders. Yet it is also through these very strategies that migrants' structural exclusion is reinforced because the state's production of 'illegality' and insecurity remains ultimately unchallenged. Given this, we must consider how the insecurity generated through state practices can manifest itself in multiple ways and obscure the origins of the insecurity itself.

Notes

¹ The number of migrants who naturalize as Italian citizens is low compared to other European countries (Bianchi 2011: 324). Those born in Italy have the possibility to apply for citizenship within one year of their eighteenth birthday but legal and bureaucratic obstacles lead to many losing this opportunity.

² To protect my informants' anonymity, the name of the city is not disclosed.

³ *Questura* is the singular and *questure* the plural.

⁴ *Badante* is the singular, *badanti* is the plural.

⁵ Caritas is a Catholic charity and major player for migrant politics and welfare in Italy.

⁶ All informants' names, with the exception of public figures, have been changed.

⁷ These cohorts of people did not fit the gender or nationality stereotypes of an appropriate domestic worker.

⁸ *La Repubblica* 4th March 2010

http://www.repubblica.it/cronaca/2010/03/04/news/1_ultima_beffa_agli_immigrati_spunta_la_sanatoria_trappola-2499728/ Accessed 12th November 2014

⁹ Article 14 of the *Bossi Fini* law.

¹⁰ *La Repubblica* 5th August 2008 <http://www.repubblica.it/2008/08/sezioni/politica/immigrazione-flussi/immigrazione-flussi/immigrazione-flussi.html> Accessed 12th November 2014

¹¹ The 2011 *decreto flussi* was also over-subscribed with more than 411,000 applicants for 98,080 places.

References

Abrams, P. 1988. Notes on the Difficulty of Studying the State (1977). *Journal of historical sociology*, no. 1: 58–89.

Bailey, F. G. 1969. *Stratagems and Spoils: a Social Anthropology of Politics*. Malden MA, Oxford: Blackwell Publishing.

Bianchi, G. E. 2011. Italiani Nuovi o Nuova Italia? Citizenship and Attitudes towards the Second Generation in Contemporary Italy. *Journal of Modern Italian Studies* 16, no. 3: 321–333.

Cabot, H. 2012. The governance of things: Documenting limbo in the Greek asylum procedure. *PoLAR: Political and Legal Anthropology Review* 35, no. 1: 11–29.

Calavita, K. 2005. *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*. Cambridge: Cambridge University Press.

Caritas Migrantes Immigration Dossier Statistico 2010 XX Rapporto. Rome: IDOS

Coutin, S. B. 2000. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Arbor: University of Michigan Press.

De Genova, N. P. 2002. Migrant 'Illegality' and Deportability in Everyday Life. *Annual Review of Anthropology* 31, no. 1: 419–447.

Elyachar, J. 2005. *Markets of Dispossession: NGOs, Economic Development, and the State in Cairo*. Durham: Duke University Press.

-
- Galt, A. H. 1974. Rethinking Patron-client relationships: the Real system and the Official System in Southern Italy. *Anthropological Quarterly* 47, no. 2: 182–202.
- Guano, E. 2010. Taxpayers, Thieves, and the State: Fiscal Citizenship in Contemporary Italy. *Ethnos* 75, no. 4: 471–495.
- Gupta, A. 1995. Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state. *American Ethnologist* 22, no. 2: 375–402.
- Hansen, T. B. & F. Stepputat 2001. *States of Imagination: Ethnographic Explorations of the Postcolonial State*. Durham: Duke University Press.
- Heyman, J. 1995. Putting Power in the Anthropology of Bureaucracy: The Immigration and Naturalization Service at the Mexico-United States Border. *Current Anthropology* 36, no. 2: 261–287.
- Heyman, J. & A. Smart 1999. States and Illegal Practices: an Overview. In *States and Illegal Practices* (ed.) J. Heyman, 1 - 25. Oxford and New York: Berg
- Kelly, T. 2006. Documented Lives: Fear and the Uncertainties of Law during the Second Palestinian Intifada. *Journal of the Royal Anthropological Institute* 12, 89–107.
- Mitchell, T. 2006. Society, Economy and the State effect. In *The Anthropology of the State: a Reader* (eds.) A. Sharma & A. Gupta, 169 - 187. Malden Ma, Oxford: Blackwell Publishing.
- Navaro-Yashin, Y. 2007. Make-Believe Papers, Legal Forms and the Counterfeit Affective Interactions between Documents and People in Britain and Cyprus. *Anthropological Theory* 7, no. 1: 79–98.
- Nuijten, M. 2003. *Power, Community and the State: The Political Anthropology of Organisation in Mexico*. London: Pluto Press.
- Ochs, J. 2011. *Security and Suspicion: An Ethnography of Everyday Life in Israel*. Pennsylvania: University of Pennsylvania Press.
- Olivier De Sardan, J-P. 1999. A Moral Economy of Corruption in Africa? *The Journal of Modern African Studies* 37, no.1: 25–52.
- Portes, A. 1978. Introduction: toward a Structural Analysis of Illegal (undocumented) Immigration. *International Migration Review*, 12, no. 4: 469–484.
- Schuster, L. 2005. The Continuing Mobility of Migrants in Italy: Shifting between Places and Statuses. *Journal of Ethnic and Migration Studies* 31, no. 4: 757–774.
- Sharma, A. & Gupta, A. 2006. *The Anthropology of the State : a Reader*. Malden MA, Oxford: Blackwell Publishing.
- Shore, C. 1989. *Patronage and Bureaucracy in Complex Societies: Social Rules and Social Relations in an Italian University* 20, no. 1: 56-73.

Triandafyllidou, A. 2003. Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control. *Journal of Ethnic and Migration Studies* 29, no. 2: 257–297.

Vigh, H. 2006. *Navigating Terrains of War: Youth and Soldiering in Guinea-Bissau*. New York: Berghahn Books.

Vigh, H. 2009. Wayward Migration: On Imagined Futures and Technological Voids. *Ethnos* 74, no. 1: 91–109.

Zincone, G. 2006. The Making of Policies: Immigration and Immigrants in Italy. *Journal of Ethnic and Migration Studies* 32, no. 3: 347–375.

Zincone, G., R. Penninx & M. Borkert 2011. *Migration Policymaking in Europe: The Dynamics of Actors and Contexts in Past and Present*. Amsterdam: Amsterdam University Press.

Zinn, D. L. 2001. *La Raccomandazione: Clientelismo Vecchio e Nuovo*. Rome: Donzelli Editore.